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SENATE JOURNAL
OF THE
STATE LEGISLATURE.

THIRD SESSION.

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SENATE CHAMBER,

Thursday, May 16th, 1867.

PROCLAMATION BY THE GOVERNOR.

Whereas, The Constitution of the State of Nebraska provides that the "Legislature may, on extraordinary occasions, be convened by proclamation of the Governor, and when so convened, shall transact no business except such as relates to the objects for which they were so convened, to be stated in the proclamation of the Governor;" and

Whereas, The transition of Nebraska from a Territorial condition to that of a State, absolutely requires, for the preservation of order, and the agricultural and commercial interests of the people, that the Legislature should convene as soon as practicable.

Therefore, In accordance with the provisions of the Constitution, and by virtue of the authority vested in me, I, DAVID BUTLER, Governor of the State of Nebraska, do call upon the members of the Legislature of the said State, to meet at the Capitol, in the City of Omaha, on Thursday, the sixteenth day of May next, at the hour of two o'clock, P. M., for the purpose of taking action upon the following subjects of Legislation:

1. The revision or amendment of the Election Law, the provision of penalties for the violation thereof, and the enactment of a law for the registering of voters.

2. The revision or amendment of the Statute relating to Prosecuting Attorneys.

3. The revision or amendment of the general incorporation law.
4. The revision or amendment of the Statute regulating interest.
5. The revision or amendment of the Revenue law.
6. The amendment of section thirty-eight, of chapter forty-three, of the Revised Statute, regulating the appointment of Commissioners of Deeds.
7. The revision or amendment of the school law.
8. The revision or amendment of the Code of Civil Procedure to abolish the distinction between actions at law and suits in equity.
9. The revision or amendment of the sections of the Revised Statutes, commencing at section five hundred and twenty-one, page four hundred and eighty-four, entitled "Homesteads and other Exemptions."
10. The amendment of charters of cities, towns and other incorporations.
11. The amendment of statutes regulating fees of jurors and witnesses.
12. The amendment of laws regulating roads and election of supervisors.
13. The amendment of section fifty-one, page fifty-five, of the Revised Statutes, so that its provisions may apply to the Judges of the first and second Judicial Districts.
14. The revision or amendment of any general or special law, now in force, that may be deemed necessary.
15. An enactment authorizing counties to vote taxes for internal improvements.
16. Appropriations for Legislative and other expenses.
17. Enactments for the encouraging of emigration.
18. The location and disposition of such lands as are, or may be hereafter, donated to the State by the General Government for any purpose.
19. The location of State Public Buildings, and making such provisions for the erection, repair or completion of the same as may be deemed necessary.
20. The location of such State Roads as may be necessary.
21. The responsibility of railroad companies for damages done to stock by their employees.
22. The regulation of the transit of Texas, or other foreign cattle, over the State.
23. The regulation of the payment of salaries, of State and Judicial Officers.
24. Proposed amendments to the Constitution of the United States, as may be submitted for ratification.
25. The education and care of Deaf Mutes.
26. The creation of the offices of School Commissioner, Adjutant General and Librarian of State, and such other offices as may be deemed necessary, fixing their salaries, and defining their duties.
27. Appropriations for pay of Deputy Auditor, and Clerks for State Officers.
28. Making provision for the redemption of State or Territorial Bonds.
29. Providing for the copying of the records of Washington County, so far as they affect the title to property in Logan Creek precinct, and placing such copies on the records of Dodge County.
30. Enactments for carrying out the provisions of the State Constitution, as follows:

- 1st. To define the bounderies of Senatorial and Representative Districts.
- 2d. To prescribe the mode of organizing the House of Representatives, at the commencement of each regular session.
- 3d. To provide for the letting of contracts for supplying stationery, required for the use of the State, and for doing the public printing.
- 4th. To provide for the organization of the militia.
- 5th. To prescribe the manner in which civil officers shall be tried for misdemeanors in offices.
- 6th. To declare the cases in which the offices shall be deemed vacant, and the manner of filling the vacancies.
- 7th. To prescribe the manner of applying for pardon of convicts.
- 8th. To provide a seal for the State.
- 9th. To prescribe the duties of Secretary, Auditor and Treasurer of State.
- 10th. To prescribe the time and manner of electing Supreme Judges.
- 11th. To divide the State into Judicial Districts, to prescribe times and places for holding District Courts, and to assign Judges to hold District Courts in the several Districts.
- 12th. To define the jurisdiction of the several courts, and to establish such inferior courts as may be deemed necessary.
- 13th. To provide for the payment of fees to the Clerks of District and Supreme Courts, by the party commencing or entering any suit in said courts, and to designate the officers to which said Clerks shall pay such fees.
- 14th. To provide for an annual tax sufficient to defray the necessary expenses of each year.
- 15th. To make provision for the disposition and protection of school lands.
- 16th. To provide for the organization of cities and incorporated villages.

31. Such other enactments as may be deemed necessary to carry out the provisions of the Constitution.

In testimony whereof, I have hereto set my hand, and have caused to be affixed to the same, the Great Seal of the State of Nebraska, this fourth day of April, A. D., 1867.

DAVID BUTLER.

By the Governor:

THOMAS P. KENNARD, *Sec'y of State.*

In obedience to the foregoing proclamation, the following Senators from the several Districts of the State appeared in the Senate, to wit:

Messrs. Baird, Davis, Doom, Rogers, Hascall, Holden, Majors, Sheldon, Wardell, Patrick, Presson and Reeves

Upon motion of Mr. Reeves, Mr. Doom was elected President, *pro tem.*

Upon motion of Mr. Davis, L. L. Holbrook was elected Secretary, *pro tem.*

Upon motion of Mr. Davis, a Committee of three, on Credentials, were elected, consisting of Messrs. Davis, Rogers and Reeves.

The credentials were deposited with the Secretary, and referred to the Committee, who submitted the following

REPORT.

Mr. President:

Your Committee to whom was referred the credentials of persons claiming seats as members of this body, have had the same under consideration, and beg leave to report that they find the following persons entitled to seats, to wit:

From the First—Harlan Baird.

From the Second—J. T. Davis.

From the Third—Isaac S. Hascall, and J. N. H. Patrick.

From the Fourth—E. H. Rogers.

From the Fifth—F. K. Freeman.

From the Sixth—Lawson Sheldon.

From the Seventh—J. E. Doom.

From the Eighth—W. W. Wardell, and Mills S. Reeves.

From the Ninth—Thos. J. Majors.

From the Tenth—William A. Presson.

From the Eleventh—Oscar Holden.

Your Committee had before them a certificate from the County Clerk of Dakota County, showing that at an election held on the 29th day of April, 1867, Thomas L. Griffey was elected to represent the First District on this floor, but there not appearing any evidence that the Governor had called an election in said District at that time, they return the same herewith for the action of the Senate.

J. T. DAVIS,
MILLS S. REEVES.
E. H. ROGERS.

Upon motion of Mr. Presson, the report of the Committee was received and adopted.

Mr. Presson moved a Committee of three be appointed to wait upon the Secretary of State, and request him to administer the oath of office to the members of the Senate.

Mr. Reeves moved to amend by striking out "Secretary of State" and inserting "some Judge of the Court," or "Notary Public," which was agreed to, and the motion as amended adopted.

Upon motion of Mr. Wardell, Judge Hascall, member elect, administered the following oath:

State of Nebraska, }
County of Douglas. } ss.

We, and each of us, do solemnly swear, that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of the office of Senator to the best of our ability, so help us God.

Harlan Baird, Oscar Holden, J. T. Davis, T. J. Majors, J. E. Doom, J. N. H. Patrick, W. A. Presson, E. H. Rogers, Lawson Sheldon, W. W. Wardell and Mills S. Reeves.

Subscribed in my presence and sworn to before me, this 16th day of May, A. D., 1867.

ISAAC S. HASCALL,

Probate Judge of Douglas County, State of Nebraska.

ISAAC S. HASCALL.

Subscribed and sworn to before me this, the 16th day of May, A. D., 1867.

J. E. DOOM, *President, pro tem.*

Upon motion of Mr. Presson, the Senate proceeded to permanent organization.

Mr. Majors nominated E. H. Rogers, of Dodge, for President of the Senate.

Mr. Patrick nominated Mills S. Reeves, of Otce.

No other nominations being made, the Senate proceeded to vote for President.

For Mr. Rogers—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Reeves and Sheldon—9.

For Mr. Reeves—Messrs. Patrick, Rogers and Wardell—3.

Mr. Rogers having received the vote of a majority of the members elect, was declared duly elected President of the Senate.

Upon motion of Mr. Presson, Messrs. Presson, Majors and Reeves were appointed a Committee to wait upon the President to the Chair.

Upon motion of Mr. Doom, the Senate proceeded to the election of Secretary of the Senate.

Mr. Sheldon nominated L. L. Holbrook.

Mr. Reeves nominated W. W. Watson.

No other nominations being made, the Senate proceeded to vote for Secretary.

For Mr. Holbrook—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For Mr. Watson—Messrs. Patrick, Reeves and Wardell—3.

Mr. Holbrook having received the vote of a majority of the members of the Senate, was declared duly elected Secretary.

Mr. Wardell nominated Geo. C. Hopkins for Assistant Secretary.

Mr. Baird nominated Seth Robinson.

No other nominations being made, the Senate proceeded to the election of Assistant Secretary.

For Mr. Robinson—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For Mr. Hopkins—Messrs. Patrick, Reeves and Wardell—3.

Mr. Robinson having received the vote of a majority of all the members of the Senate, was declared duly elected Assistant Secretary.

Mr. Doom nominated D. W. McKimmon for Sergeant-at-Arms.

Mr. Reeves nominated William Carroll.

No other nominations being made, the Senate proceeded to the election of Sergeant-at-Arms.

For Mr. McKimmon—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For Mr. Carroll—Messrs. Patrick, Reeves and Wardell—3.

Mr. McKimmon having received the vote of a majority of all the members of the Senate, was declared duly elected Sergeant-at-Arms.

Mr. Majors nominated E. K. Caldwell for Door Keeper.

No other nominations being made, and Mr. Caldwell having received the vote of a majority of all the members elect, was declared duly elected Door Keeper.

Upon motions of Messrs. Davis and Patrick, Masters Kennard and Parmelee were nominated, or unanimously elected Pages.

Mr. Presson nominated Rev. J. L. Ford for Chaplain.

Mr. Patrick nominated Rev. H. W. Kuhns.

No other nominations being made, the Senate proceeded to vote for Chaplain.

For Rev. Mr. Ford—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For Rev. Mr. Kuhns—Messrs. Patrick, Reeves and Wardell—3.

Mr. Ford having received the vote of a majority of the members of the Senate, was declared duly elected Chaplain.

Upon motion of Mr. Davis, Judge Hascall administered the following oath, which was subscribed to by the officers of the Senate.

State of Nebraska, }
County of Douglas. } ss.

We, and each of us, do solemnly swear, that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of the offices in the Senate to which we are severally chosen, to the best of our ability, so help us God.

E. H. Rogers, L. L. Holbrook, Seth Robinson, E. K. Caldwell, A. E. Kennard, Albert Parmelee.

Subscribed in my presence, and sworn to before me, this 16th day of May, A. D., 1867.

ISAAC S. HASCALL,

Probate Judge of Douglas County, State of Nebraska.

Upon motion of Mr. Davis, Messrs. Davis, Wardell and Majors were appointed a Committee to inform the House the Senate is permanently organized, and ready to proceed to business.

Upon motion of Mr. Patrick, Messrs. Patrick, Majors and Presson were appointed a Committee on the part of the Senate, to act with a like Committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that the two Houses are organized, and ready to receive any communication he may desire to make.

Mr. Davis, from the Committee appointed to inform the House of the organization of the Senate, reported as having performed that duty.

Upon motion of Mr. Wardell,

Resolved, That the Standing Rules of the 12th session of the Territorial Legislature, so far as consistent with the Constitution of the State, be adopted for the government of this body.

Upon motion of Mr. Presson, Messrs. Presson, Reeves and Doom were appointed a Committee to revise the Standing Rules of the Senate, and also to confer with a like Committee on the part of the House, to revise the Joint Rules of the two Houses.

Upon motion of Mr. Presson, the members drew seats.

Mr. Doom presented a resolution relative to printing, stationery, &c.

Upon motion of Mr. Patrick, the Senate adjourned until 9 o'clock, A. M. to-morrow.

SENATE CHAMBER,
Friday, May 17, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

The Journal read and approved.

Mr. Doom gave notice of a Bill to provide for the transfer of the records, papers and suits of the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

Also, of An Act to define the Judicial Districts of the State of Nebraska, and assign Justices to the same.

Also, of An Act to provide for the selection and sale of the common school, and other public lands.

Mr. Doom asked and obtained leave to introduce S. No. 1, An Act to require the Secretary to contract for certain printing, which was read the first time.

Mr. Doom moved a suspension of the rules, that the bill might be read the second time; which was decided in the negative, less than three-fourths of the members voting therefor.

Mr. Hascall asked and obtained leave to introduce S. No. 2, An Act to transfer suits at law, and in chancery, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska; which was read the first time.

On motion of Mr. Doom,

Resolved, That a Special Committee of two be appointed to wait upon the Secretary of State, and ascertain what arrangements had been made to provide the members with stationery, postage, &c.

Messrs. Doom and Patrick were appointed said Committee.

On motion of Mr. Wardell,

Resolved, That the Secretary of the Senate procure fifty printed copies of S. No. 2, for the use of the Senate.

The Special Committee appointed to wait upon the Secretary, and ascertain what arrangements have been made relative to stationery, postage, &c., submitted the following report:

The Special Committee beg leave to report, that the Secretary of State has no power to make arrangements in regard to postage, but awaits the action of the Legislature upon the subject; that the Secretary, being aware of the necessity of having stationery prepared for the use of the members at the commencement of the session, has taken the responsibility of procuring such stationery as may be needed to supply the present wants. He awaits the action of the Legislature in regard to the distribution of the same.

J. E. DOOM.

J. N. H. PATRICK.

On motion of Mr. Presson,

Resolved, That the Sergeant-at-Arms be instructed to convey the mail matter of the members and officers of the Senate, to, and from the Post Office, in Omaha City, in such manner as the President of the Senate may direct.

On motion of Mr. Presson,

Resolved, That Hon. P. W. Hitchcock be invited within the bar of the Senate.

A Committee from the House appeared, and informed the Senate that the House was organized, and ready to proceed to business.

Message from the House, by Mr. Bowen, its Clerk.

HOUSE OF REPRESENTATIVES, }
May 17, 1867.

Mr. President:

The House instructs me to inform your honorable body that Messrs. Cadman, Woolworth and Bennett have been appointed a Committee to unite with a similar Committee of the Senate, to wait upon the Governor, and inform him that the two Houses are organized, and ready to receive any communication he may desire to make.

JOHN S. BOWEN, *Chief Clerk*.

The Committee appointed to wait upon the Governor, appeared and reported that his Excellency would be ready to meet the Legislature in Joint Convention assembled, in fifteen minutes.

A Committee from the House appeared, and invited the Senate to meet the House in the Representatives' Hall, to hear any communication his Excellency, Governor Butler, may be pleased to make to the General Assembly.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
May 17, 1867.

Mr. President:

I am instructed to inform the Senate that Messrs. Harvey, Griffin, Daily, Cadman and Crowe have been appointed a Committee to confer with a like Committee of the Senate, and report rules for the government of the two Houses.

JOHN S. BOWEN, *Chief Clerk*.

Mr. Majors submitted the following resolution:

Resolved, That when the Senate adjourns, it will adjourn to meet daily at 9 o'clock, A. M., until otherwise ordered.

Upon motion of Mr. Presson, the rules were suspended by three-fourths of the Senate; and the resolution considered and adopted.

On motion of Mr. Patrick, the Senate proceeded to the Hall of the House, to meet in Joint Convention with that body.

JOINT CONVENTION.

The Convention was called to order by the President of the Senate.

On motion of Mr. Fuller,

Resolved, That a Committee of two on the part of the Senate, and three on the part of the House, be appointed to wait upon the Governor, and inform him that the General Assembly in Joint Convention, was ready to receive any communication he may be pleased to make.

The President accordingly appointed Messrs. Presson and Baird on the part of the Senate, and Messrs. Fuller, Griffin and Sroat on the part of the House.

The Committee appeared escorting his Excellency, Governor Butler, who, upon being presented to the Convention by the President, delivered the following Message:

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives:

For the second time have you been called together by proclamation for specific purposes, during the short period that has elapsed since your term commenced by the provisions of the Constitution. But you are not this time a body of doubtful powers and precarious existence, dependent upon a future contingency for a definition of your status, and a recognition of your acts. On the 1st day of March last, six days subsequent to your late adjournment, the President of the United States, by proclamation, consummated the admission of our new State, and by breathing life into the Constitution submitted by the Territorial Legislature, and ratified by the popular vote, conferred upon you the legislative authority of a sovereign people.

The framers of the Constitution evidently did not expect so long a lapse of time between the date of its ratification by the people, and its acceptance by the formal admission of Nebraska into the Union by act of Congress, would ensue, as to preclude an early regular session of the State Legislature. In consequence of this delay, it became the imperative duty of the Executive to convene you for a special session.

As the provisions of the Constitution make it necessary that the subjects of legislation to be considered during such a session, shall be stated in the Governor's proclamation, and repeated in his message to both houses when assembled, and as the exigencies of the State require that this session shall, as far as practicable, take the place of a regular session, I have endeavored to cover, in my proclamation, all the ground necessary to enable you to set the machinery of State in motion, and to render the change of a Territorial to a State government as free from inconvenience as may be.

It is needless for me to enlarge upon the duties that the peculiar situation of the State requires of you. As, at the time of your selection by the people

it was well understood that upon you would devolve these grave responsibilities. I doubt not that you will prove equal to the task, and will justify the confidence that has been reposed in your wisdom and patriotism.

I trust that no clashing of local interests, no pertinacity of adherence to minor details and unimportant measures, may be allowed to obstruct or delay the transaction of the large amount of business urgently required to ensure the unembarrassed working of the State government, and the prosperity of your constituents.

No State has ever entered the Union under more favorable auspices than our own. Practically free from debt, our credit is sound, and our resources entirely available for present and future needs. Our facilities for communication with the East and South have been greatly increased during the past year, and the Rocky Mountains and the shores of the Pacific are rapidly drawing near to us, as the construction train of the "Union Pacific" makes its daily progress westward.

The tide of immigration, that at the close of the rebellion commenced to pour over our borders, has experienced no abatement, but has continued, with accelerated speed, to people our fertile prairies with hardy pioneers, and to contribute the necessary labor and capital for the developement of our latent wealth.

The ample reports of the condition of our finances and the general prosperity of our people, contained in the late message of Acting Governor Paddock to the Territorial Legislature, renders it unnecessary for me to enter into any details at present, and I shall confine myself, therefore, to the statement of such subjects of legislation as you are specially called upon to consider. In their enumeration I shall follow the order in which they appear in my proclamation, rather than attempt to indicate their relative importance by any rule of precedence.

FIRST. The revision or amendment of the Election Law, the provision of penalties for the violation thereof, and the enactment of a law for the registration of voters.

That a change is needed in the election law, seems manifest from the number of contested cases that have annually come up for decision in the Territorial Legislature. Serious charges are being continually urged against the validity of the election of parties holding the proper certificates. The law regulating contests being necessarily somewhat complex, and productive of expense, it is found burdensome to comply with its details, and hence must arise abuses of the popular franchise. It would seem the part of wisdom to provide such safeguards at the ballot-box itself, as would obviate the necessity of a frequent resort to the tedious course, prescribed in the law regulating contests. A law requiring the ballots to be numbered, was formerly in force, and doubtless served as a check upon illegal voting. But the Legislature, deciding perhaps, that its violation of the secrecy of the ballot more than counterbalanced its advantage as a wholesome restraint upon fraud, at a late session saw fit to repeal it. But the most effectual safeguard has, in my opinion, been found in the system requiring all electors to be registered. Especially is this called for in cities and large towns, where the polls are thronged with men, personally unknown

to the Judges, and no adequate means can, under the present system, be used to test the legality of many of the ballots offered.

I therefore respectfully recommend the Legislature to provide for the election or appointment of Registers of Election in each county and incorporated city in the State, whose duty it shall be to keep books wherein the names of all the qualified voters shall be duly enrolled, clothing them with the necessary authority to enforce such rules and regulations as may be prescribed for their direction, and to provide that all citizens of the State whose names have been thus enrolled prior to certain specified times, and none others, shall be legally entitled to the franchise.

SECOND. *The revision or amendment of the statute relating to Prosecuting Attorneys.*

In accordance with the present law, each county elects, at the same time with other county officers, a Prosecuting Attorney, whose compensation, within certain limits, is fixed by the court, and allowed by the commissioners. In no instance is the compensation sufficient to make the office a remunerative one to a lawyer of experience and ability. Nor are the duties of this office sufficient to employ but a small portion of the time of the incumbent. In order to obviate these difficulties, the propriety of amending the law is worthy of your consideration. By abolishing the office of County Prosecuting Attorney, and creating that of District Prosecutor, we should have but three such officers in the State, who would be fully occupied by their duties, and fully remunerated for their time and services, without at all increasing the expenses of the several counties. This would doubtless secure the services of competent officers, and tend to the material increase of county school funds, and render the conviction and punishment of criminals an occurrence less rare than at present.

THIRD. *The revision or amendment of the general incorporation law.*

As the Constitution prohibits the passage of special acts, conferring corporate powers, the interests of the State imperatively demand a thorough and extensive general law under which corporations may be formed. The subject therefore requires your earnest consideration, and it is to be hoped that you will exercise your best judgement, in framing such a law as will fully meet the exigencies of the case, that there may be no impediment left in the way of commercial enterprise, and of pushing on to completion such internal improvements as are required for the prosperity of our people, at the same time carefully guarding against monopolies and other abuses.

FOURTH. *The revision or amendment of the statute regulating interest.*

There seems to be a growing feeling of antagonism to the long cherished idea of regulating by law the price or hire of money. It is held by many business men, as well as by the majority, perhaps, of political economists, that like all other commodities that make up the subject matter of commercial transactions, money should bring whatever its value is rated at in the market. That the law of "demand and supply" should govern the rates of interest, as well as the price of labor and merchandize, and that all attempts to legislate in a matter already regulated by natural laws are necessarily futile. From time immemorial usury laws have been successfully evaded by the ingenuity of business men, and the question naturally arises as to their expedi-

ency. Without expressing any opinion upon the matter, I simply mention it as a subject of legislation that it may be open to your consideration.

FIFTH. *The revision or amendment of the Revenue Law.*

A bill, making some judicious changes in this law, was passed just before the adjournment of the late Territorial Legislature; but through a formal error, failed to obtain the signature of the Executive. Believing that the objects it was intended to accomplish, were for the public good, I submit the subject for your action. Your attention is also called to the fact that, by recent decisions, the power of States to tax the shares of National Banks, has been established, and it would be proper to amend the law so as to include this species of property in the tax lists.

SIXTH. *The amendment of section thirty-eight, chapter forty-three, Revised Statutes, regulating the appointment of commissioners of deeds.*

A clause of this section confines the number of commissioners of deed in any city or county of the United States to one. It seems apparent that this clause found its way into the revision through an inadvertency. A law similar in its provisions had been formerly in force, but previously to the revision had been amended, and in consequence of such amendment, appointments had been made in many places, and commissions issued to several persons in the same city or county, who are still in possession of such commissions, and transacting business under them. In other respects the law as it now stands is a hardship, for but a single commissioner for this State in many of the large cities would seem entirely inadequate to answer the objects for which commissioners are appointed. And there can hardly be any objection to an increase of the number, for facilitating business, and ministering to the convenience of residents of these localities. I recommend, therefore, that the clause "not exceeding one, in any one city or county" be stricken out.

SEVENTH. *The revision or amendment of the School Law.*

It is of vital importance to our State, now that the generous endowment of lands, set apart for school purposes, comes under our control, that a liberal and enlightened school system be inaugurated as soon as practicable. For the attainment of this, we have many advantages not possessed at the outset by the older States. The system of Free Schools is no longer an experiment with the American people. Its developement has been gradual, but continual; since its early adoption upon the Atlantic shores, and now it is the chief glory of the Republic. Perfected as it has been by experience and study, it will not be difficult to cull from the legislation of other States the best material with which to construct a broad and ample code, suited to the peculiarities of our country and population. Your most earnest attention is therefore invoked, that no pains may be spared to render Nebraska second to no other State in the facilities offered to all her children, irrespective of sex or condition, to acquire, not only the rudiments of education, but to erect upon a broad foundation, a superstructure of solid attainments in art, literature and science. Upon no nobler object can the public funds be more profitably bestowed, and to no higher end can your most energetic efforts be directed. Economy of time, labor, or expenditure can be exercised in any other direction with less

danger to the public weal than in this. I doubt not that you will be fully equal to the emergency, and that by your wise measures we may take the front rank among our sister States in our free school system.

EIGHTH. *The revision or amendment of the Code of Civil Procedure, to abolish the distinction between actions of law and suits in Chancery.*

Our Code of Civil Procedure is almost identical in its provisions to the code of Ohio, and other Western States. Doing away with much of the cumbrous machinery, accumulated by centuries of precedent, found in the various courts of England, and still partially adhered to in several of the older States, it renders much more simple the administration of justice, and by abolishing many of the tedious details that have proved so harrassing to the litigant both in common law and chancery proceedings, affords doubtlessly, much greater facilities for securing in the most expeditious manner a final adjudication of causes.

But, though adhering very closely to the letter of the Ohio statutes, we find in Section Two, Title One, "Code of Civil Procedure," a material deviation or omission. The Ohio code, under the corresponding title, reads thus: "The distinction between actions at law and suits in equity, and the forms of all such actions and suits heretofore existing, is abolished." In our code the clause "and suits in equity," is omitted.

Therefore, in accordance with the desire of many members of the legal profession in the State, I commend to your consideration the proposed amendment, inserting this clause in the section quoted.

NINTH. *The revision or amendment of the sections of the Revised Statutes commencing at section five hundred and twenty-one, page four hundred and eighty-four, entitled "Homesteads and other Exemptions."*

The phraseology of the Exemption Law is so obscure that it is liable to mislead, and affords too much ground for misunderstanding as to the amount of property actually exempt from execution and attachment. Section 521 exempts personal property to the amount of \$500 from forced sale or execution belonging to "heads of families who have neither lands, town lots, or houses subject to exemption or homesteads under the laws of the State." And section 530 enumerates apparently in addition to this \$500 exemption certain classes of personal property that "shall not be liable to attachments, execution or sale on any final process issued from any court in this State against any person, being a resident of this State or a head of a family."

But it can hardly be the intention to permit a debtor to avail himself of the provisions of both sections, incongruous as they apparently are. I recommend, therefore, that these sections be so revised or amended as to be rendered consistent and intelligible to the masses.

TENTH. *The amendment of charters of cities, towns, and other corporations.*

ELEVENTH. *The amendment of statutes regulating fees of jurors and witnesses.*

As fixed by the law now on our statute books, the *per diem* of jurors and witnesses is far below the pay of unskilled labor, and consequently it is inflicting a serious burden to compel a man of limited means to attend our courts in either capacity. I recommend, therefore, that the fees be increased

to correspond with such increase in the value of labor as may have taken place since the adoption of the present rates.

TWELVTH. The amendment of laws regulating roads and the election of Supervisors.

THIRTEENTH. The amendment of section fifty-one, page fifty-five, Revised Statutes, so that its provisions may apply to the Judges of the First and Second Judicial Districts.

As this section now stands, the Judge of the Third Judicial District only, is authorized to appoint one special term in any year in the counties within his district.

FOURTEENTH. The revision or amendment of any general or Special laws now in force that may be deemed necessary.

FIFTEENTH. An enactment authorizing counties to vote taxes for internal improvements.

In order to avoid the necessity of special legislation, it is recommended that a general law be passed, giving to counties the privilege of raising funds by taxation, for the prosecution of public works, such as the construction of bridges, railroads, &c., at any time the majority of their electors shall vote in favor of a tax for such purposes. It being the general policy adopted in most States, to encourage such public improvements by permitting either counties or municipal authorities to levy taxes of this kind, by consent of tax-payers, it perhaps simply remains for us to decide, whether a special act shall be required for each county or city, or the more expeditious method be adopted of providing for all contingencies by a general law.

SIXTEENTH. Appropriations for legislative and other purposes.

Under this head I deem it proper to call your attention to the subject of the prosecution of the claims of the State against the General Government for expenses incurred in raising and employing a militia force for service against hostile Indians during the year 1864. An appropriation was made by the Territorial Legislature for the prosecution of these claims, which amount in the aggregate to some \$40,000. Of these Governor Saunders succeeded in collecting a part amounting to \$28,000, leaving a balance of about \$12,000 still due. It is believed that by proper effort on the part of the State authorities the whole amount, or the greater part thereof, will be eventually allowed by the War Department. There are also a few outstanding claims of citizens against the State, for services rendered, and supplies furnished, during the Indian campaign, which should be acted upon without further delay.

Your attention is also called to the condition of the Capitol building. A moderate sum, judiciously expended in its repair, will conduce to the safety of its occupants, and is apparently required by the principles of true economy.

SEVENTEENTH. Enactments for the encouragement of immigration.

The last Territorial Legislature failed to continue by appropriations, the measures adopted by its predecessors for drawing the attention of immigrants to the advantages offered by the agricultural and mineral resources of Nebraska. That judicious but liberal appropriations, guided through proper channels,

would bring to our people a ten-fold return in population and capital, must be apparent to any one giving the matter the least attention. Our neighboring States have not neglected their interests in this respect, and have sent their agents in every direction to divert a share of the westward tending stream of emigration from over-populous countries to their own soil. I have been informed by one of our most reliable German citizens, that at the beginning of the present year, no less than 70,000 souls had engaged their passage to our shores in advance, at the single port of Bremen, in order to lose no time when the season for travel should open. And it is probable that the present year will witness an influx of immigration to the United States rarely, if ever equaled in our past history. Had we no other indications than the large conscriptions about to be made for the increase of the European armies, the rumors of impending war upon the continent, and the growing symptoms of discontent in Ireland, we could safely predict an increased accession of foreigners, seeking in our midst the immunities of a free government, and homesteads ready to yield them a competence with an outlay of labor and capital comparatively trifling.

It behooves us then, that we be not derelict in competing for settlers, but that every means be used to publish abroad our natural advantages of soil, climate, and ~~easy~~ communication with commercial centers. I therefore earnestly commend this subject to your consideration.

EIGHTEENTH. *The location and disposition of such lands as are or may be hereafter donated to the State by the General Government for any purpose.*

In an act of Congress, approved on the 19th day of April, 1864, entitled "An Act to enable the people of Nebraska to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," is found the following provisions:

"SEC. 7. *And be it further enacted,* That sections numbered sixteen and thirty-six, in every township, and when such sections have been or are otherwise disposed of, by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be, be and are hereby granted to said State for the support of common schools."

The school lands have all been located and reserved in accordance with the above provision, except upon the territory lately known as the "Half Breed Reserve," lying between the Great and Little Nemaha rivers in the counties of Richardson and Nemaha. According to precedents, the extinguishments of the title to such tracts of land, has placed them upon the same footing with lands originally forming a part of the public domain, with respect to the right of reservation for school purposes.

I recommend that steps be taken to secure from the General Government an order to the land office, making the reservation in this instance.

By the terms of sections 8, 9 and 10 of the act of Congress aforesaid, the people of the State, upon its admission, became the grantees of a large amount of land, donated for specific purposes, and entrusted to your body for selection, location and disposition. As these grants are conditioned upon the event of their location on or before the 1st day of January next, it becomes your duty

to provide for their immediate selection. The following are the sections alluded to :

"SEC. 8. *And be it further enacted*, That provided the State of Nebraska "shall be admitted into the Union in accordance with the foregoing provisions "of this act, that twenty sections of the unappropriated public lands within "said State, be selected and located by direction of the Legislature thereof, on "or before the first day of January, Anno Domini eighteen hundred and sixty- "eight, shall be and they are hereby granted in legal subdivisions of not less "than one hundred and sixty acres, to said State for the purpose of erecting "public buildings at the Capital of said State for legislative and judicial "purposes, in such manner as the Legislature shall prescribe."

"SEC. 9. *And be it further enacted*, That fifty other entire sections of land "as aforesaid shall be, and they are hereby granted to said State for the purpose "of erecting a suitable building for a penitentiary or State prison in the "manner aforesaid."

"SEC. 10. *And be it further enacted*, That seventy-two other sections of land "shall be set apart and reserved for the use and support of a State University, "to be selected in a manner as aforesaid, and to be appointed and applied as "the Legislature of said State may prescribe for the purpose named and for "no other purpose."

In addition to the foregoing specific grants, the terms of which devolve upon the Legislature the duty of providing for the selection and location of the lands granted, other grants are made, that are also specific in their nature and require the action of the Legislature, to make a proper disposition of the lands, after they shall have been selected and located according to the provisions of the act. The following are the terms of another section of the act aforesaid :

"SEC. 11. *And be it further enacted*, That all salt springs within said State, "not exceeding twelve in number, with six sections of land adjoining, or as "contiguous as may be to each, shall be granted to said State for its use, the "said land to be selected by the Governor thereof, within one year after the "admission of the State, and when so selected to be used or disposed of on "such terms, conditions, and regulations as the Legislature shall direct, "Provided, That no salt springs or lands, the right whereof, is now vested in "any individual or individuals, or which hereafter shall be confirmed or "adjudged to any individual or individuals, shall by this act be granted to "said State."

The next section in order of the act aforesaid reads as follows :

"SEC. 12. *And be it further enacted*, That five per centum of the proceeds "of the sales of all public lands lying within said State, which have been or "shall be sold by the United States prior or subsequent to the admission of "said State into the Union, after deducting all expenses incident to the same, "shall be paid to the said State for the support of common schools."

In this case it only remains for the Legislature to provide for the reception and distribution of this fund.

The general act of Congress of 1864, donating 500,000 acres of land to each State for the purpose of internal improvements, also demands your attention. Other new States, with the sanction of Congress, have applied this grant to university and educational purposes, and I commend to your

consideration the propriety of memorializing Congress for the attainment of a like privilege.

Congress has also, during its late session, passed an act, extending to Nebraska the provisions of an act approved July 2d, 1862, donating to each State 30,000 acres for each Senator and Representative of the State in Congress for the purpose of "teaching agriculture and the mechanic arts." This will give 90,000 acres for the endowment, support and maintenance of "at least one college" where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach agriculture and the mechanic arts, in such manner as the Legislature of the State shall prescribe.

NINETEENTH. *The location of State Public Buildings and making such provisions for the erection and completion of the same as may be deemed necessary.*

TWENTIETH. *The location of such State Roads as may be deemed necessary.*

TWENTY-FIRST. *The responsibility of Railroad Companies for damages done to stock by their employees.*

It is urged by farmers upon the line of the U. P. R. R. that at present no protection or remedy is afforded them from any injuries that they may suffer from the negligence of railroad employees. It may be proper for the Legislature to afford them some method of relief, and I therefore commend the subject to your consideration.

TWENTY-SECOND. *The regulation of the transit of Texas and other foreign cattle over the State.*

It is absolutely necessary for the protection of our stock growers, that some legislation be had to guard against the transmission of contagious and destructive diseases to their cattle. The "Spanish" or "Texas fever" prevails to such an extent among the herds of the southwest, that it is impossible for a single drove to pass through a settlement from that quarter without great jeopardy to the stock of the locality. Our neighboring States have prohibited such transit through the settled counties within their borders, and it will be wise for us to follow their example in this particular.

TWENTY-THIRD. *The regulation of the payment of salaries to State and Judicial officers.*

TWENTY-FOURTH. *Proposed amendments to the Constitution of the United States that may be submitted for ratification.*

I shall take pleasure in transmitting to you, at an early date, an attested copy of a concurrent resolution of the Senate and House of Representatives in Congress assembled, proposing to the Legislature of the several States an amendment to the Constitution of the United States received at the Department of State June 16th, 1866.

This proposed amendment; which if ratified will constitute the fourteenth article of the Constitution, embodies in a few short, but comprehensive sentences the essence of the lesson taught the American people during the terrible agony of civil war. In extending the right of citizenship to "all persons born or naturalized in the United States, and subject to the jurisdiction thereof," and prohibiting the denial of the equal protection of the laws to any

such person, it accepts fully, and forever vindicates by the solemn pledge of a nation the idea that was the corner stone of American Independence, but has been for a time rejected by the builders of the national superstructure.

In providing that when the elective franchise is denied to any of the male inhabitants of a State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation shall be proportionately reduced, it simply enunciates a proposition that would present itself as an axiom to a mind unprejudiced by long participation in the fruits of injustice.

In providing that no person shall hold office under the United States or under any State, who having previously taken an official oath whereby he was sworn to support the Constitution of the United States, shall, in violation of that oath, "have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies, thereof," it but recognizes the common law definition of the nature and obligation of an oath, and the qualifications incurred by the crime of perjury.

By a solemn declaration of the validity of the public debt of the United States, it guarantees the preservation of the national honor, and by prohibiting the assumption or payment of any debt or obligation incurred in aid of insurrection or rebellion against the United States, it merely puts the seal of condemnation upon national suicide.

Regarding the proposed amendment simply in the light of an exposition of the convictions of a Congress that represents the loyal people whose unfaltering faith in the great principles of freedom and national integrity brought to a successful termination the great struggle for the Union, it is worthy of our most respectful consideration, and I doubt not that the representatives of a constituency that stood firmly on the side of the Government during the trying contest, will show by their action upon this question, that they are not prepared to surrender the principles for which they fought, the moment the battle has been decided, and the victory won.

TWENTY-FIFTH. *The education and care of deaf mutes.*

The condition of this unfortunate class of our children, commends them to the special care of the Legislature. Often the poverty of the parent utterly prohibits them from the advantages of schools, adapted to their needs, and condemns them; except the State becomes their guardian, to a life of the darkest ignorance, without hope of usefulness or profit to themselves or others. It is fortunate that modern philanthropy has devised a method by which the mind of the deaf and dumb child can be developed, whereby society can receive as an intelligent and capable citizen, one who would otherwise remain a burden on public or private charity. I recommend that a sufficient appropriation be made for the foundation and support of a school for these children, provision being made for the gratuitous instruction of such as are of indigent parentage.

TWENTY-SIXTH. *The creation of the offices of School Commissioner, Adjutant General, and Librarian of State, and such other offices as may be deemed necessary, fixing their salaries, and defining their duties.*

At present the law imposes the duties of School Commissioner upon the State Auditor. While we were in a territorial condition, this arrangement

was perhaps wise, but now that we are a State, possessed of ample means for the expansion of our system of common schools, to meet the urgent needs of our people, thereby entailing the increase of labor and responsibility that must attach to that important office, it is evident that the Auditor, unprovided as he is with clerical aid, will find the task entirely too burdensome.

Whatever be the character of the school system adopted by you at this session, it will undoubtedly require the full time and attention of the officer whose duty it becomes to superintend its organization and execution.

The law providing for the office of Adjutant General, defining its duties and fixing its salary, having been omitted in the revision is no longer in force. I deem it important that such an officer should be appointed, who should take supervision of the arms and war material of the State, should assist the Executive in the organization and control of the volunteer or enrolled militia, should supervise any military force from the State in the service of the United States, should keep the State military records and make annual returns to the Governor of the condition of the volunteer and enrolled militia of the State, and of the military force in actual service, and perform such other duties as may be assigned him by the Legislature, or the Executive.

The law providing for a Librarian is still in force, but at the election of State officers under the provisions of the schedule of the Constitution, no such officer was chosen, and consequently some legislation is necessary, to place the library in the custody of a State official. I recommend that the office of Librarian be created and provided for, or that the Secretary of State be made Librarian *ex-officio*, with a sufficient remuneration to secure the proper attention to the interests of the Library.

TWENTY-SEVENTH. *Appropriations for pay of Deputy Auditor, and clerks for State officers.*

No provisions having been made for clerical aid in the Executive Department, I commend to your consideration the urgent need of such appropriations, for salary of Private Secretary of Governor, clerk for Secretary of State, and Deputy Auditor.

TWENTY-EIGHTH. *Making provision for the redemption of State or Territorial bonds.*

Our finances being in a prosperous condition, it is eminently proper that measures should be taken for the rapid liquidation of our liabilities.

TWENTY-NINTH. *Providing for the copying of the records of Washington County, so far as they affect the title to property in Logan Creek precinct, and placing such copies on the records of Dodge County.*

This action is rendered necessary by the transfer of Logan Creek precinct from Washington to Dodge County, by an act of the late Territorial Legislature.

THIRTIETH. *Enactment for carrying out the provisions of the State Constitution, as follows:*

1. To define the boundaries of Senatorial and Representative Districts, of convenient contiguous territory, as compact as may be. (Title Legislative, Art. 2, Sec. 5.)

2. To prescribe the mode of organizing the House of Representatives, at the commencement of each regular session. (Art. 2, Sec. 9.)

3. To provide for the letting of contracts, for the supply of stationery for the use of the State, and for doing the public printing. (Art. 2, Sec. 23.)

4. To provide for the organization of the militia. (Art. 2, Sec. 26.)

5. To prescribe the manner in which civil officers shall be tried for misdemeanors in office. (Art. 2, Sec. 29.)

6. To declare the cases in which offices shall be deemed vacant, and the manner of filling the vacancies. (Art. 2, Sec. 31.)

7. To prescribe the manner of applying for pardon of convicts. (Title Executive, Sec. 12.)

8. To provide a seal for the State. (Title Executive, Sec. 13.)

9. To define the duties of Secretary, Auditor and Treasurer of State. (Title Executive, Sec. 2.)

10. To prescribe the time and manner of electing Supreme Judges. (Title Judiciary, Sec. 1.)

11. To divide the State into Judicial Districts, to prescribe times and places for holding District Courts, and to assign Justices to hold District Courts in the several districts. (Title Judiciary, Sec. 2.)

This section contains a proviso, relating to the assignment of Justices, as follows: "That until the Legislature shall have provided by law, the Governor shall have authority to make such assignment." Deeming that the public good required the exercise of the Executive authority thereby conferred, in an order issued on the 27th of March last, I made the following temporary assignment of Justices, to wit: Chief Justice Wm. A. Little, to the Second Judicial District; Associate Justice George B. Lake, to the First Judicial District; and Associate Justice, L. Crounse, to the Third Judicial District.

12. To define the jurisdiction of the several courts, and to establish such inferior courts as may be deemed necessary. (Title Judiciary, Sec. 4.)

A question has arisen as to the jurisdiction of our State Courts over actions commenced in the Territorial Courts, previous to our admission. And it has been, thus far, decided that the records of the Territorial District Courts, are not legally in possession of the Clerks of the State District Courts, that the first section of the Schedule of the Constitution which declares "that all rights, suits, actions, prosecutions, judgments, recognizances, claims and contracts, both as respects persons and bodies corporate, shall continue and be enforced as if no change had taken place, &c.," "that no inconvenience may arise from a change of Territorial government to a State government," suffices to keep alive these actions, but not to effect their transfer into the State Courts, and that legislation is necessary to complete such transfer.

I recommend, therefore, that as early in the session as practicable, such legislation shall be had as shall cure this defect in the schedule, and give to the courts of the State, full jurisdiction in the premises.

13. To provide for the payment of fees to the Clerks of District and Supreme Courts, by the party commencing or entering any suit in said courts, and to designate the officers to whom said Clerks shall pay such fees. (Title Judiciary, Sec. 7.)

14. To provide for an annual tax sufficient to defray the necessary current expenses. (Title Finance, Sec. 3.)

15. To make provisions for the disposition and protection of School Lands.
(Title Education, Sec. 1.)

16. To provide for the organization of cities and incorporated villages.
(Title Corporations, Sec. 4.)

THIRTY-FIRST. *Such other enactments as may be deemed necessary to carry out the provisions of the Constitution.*

GENTLEMEN:—I cannot conclude without expressing a hope that in all your deliberations, the spirit of harmony and mutual forbearance, so necessary to the preservation of the dignity of a legislative body, may be carefully preserved—that every measure brought up for your consideration may meet with unprejudiced and unimpassioned examination—that our new State, through your wisdom and prudence, may inscribe upon the opening pages of its history, a record unsullied by the petty, yet bitter warfare of local interests, and that every member of your body may bear in perpetual remembrance that he owes not merely a duty to the particular section that he represents, but that Nebraska as an integral State, now calls upon him for the unselfish service of his head and heart.

Rendering in all sincerity our humble acknowledgments to the Giver of all Good, for our preservation and protection as a people, since the date of our organization as a Territory—uniting with our sister States in gratitude to Him for His guidance of the American Republic, through the tempest of Treason and armed Rebellion, to the haven of peace and renewed prosperity, let us solemnly join in an invocation to the same Almighty Power, for the continuance of His fostering care—that our soil may ever yield its bounteous harvests to the intelligent toil of the husbandman, and that the peaceful conquests of commerce and mechanical skill, may be as enduring as the truth of the great principle of universal freedom, which forever assures them of victories.

DAVID BUTLER.

TREASURER'S STATEMENT.

OFFICE OF THE STATE TREASURER, }
OMAHA, May 21, 1867. }

To the honorable, the House of Representatives of the State of Nebraska:

GENTLEMEN: In obedience to a resolution passed by your body requesting "a succinct statement of the financial condition of the State upon the first day of May, 1867," I have the honor to submit the following report:

GENERAL FUND.

On hand December 1st, 1866	- - - - -	\$9,113 84
Receipts to April 30, inclusive	- - - - -	1,632 26
		\$10,746 10
Warrants, &c., paid	- - - - -	10,838 78
		\$87 68
Overdrawn on General Fund	- - - - -	

SINKING FUND.

On hand December 1st, 1866	- - - - -	\$14,210 72
Receipts to April 30th, inclusive	- - - - -	856 38
Discount on bonds cancelled	- - - - -	117 00
		\$15,184 10
Coupons and interest paid	- - - - - \$2,588 37	
Bonds redeemed	- - - - - 7,650 00	\$10,238 37
		\$4,945 73
On hand, Sinking Fund	- - - - -	

MISCELLANEOUS RECEIPTS.

From unknown party, supposed to be "conscience money"	- - - - -	\$75 00
From late Gov. A. Saunders, on account of reimbursement by Congress for militia expenses	- - - - -	\$27,000 00

RECAPITULATION.

Sinking Fund on hand	- - - - -	\$4,945 73
Conscience " "	- - - - -	75 00
Militia reimbursement	- - - - -	27,000 00
		\$32,020 73
Less over-paid on General Fund	- - - - -	87 68
		\$31,933 05
Total in Treasury	- - - - -	

Very Respectfully,

A. KOUNTZE.

Treasurer of Nebraska.

On motion of Mr. Davis, the Joint Convention adjourned.

The members of the Senate proceeded to the Senate Chamber, and were called to order.

Mr. Majors, on leave, gave notice of "An Act to provide for the public printing, and for the publication and distribution of statutes and other public documents."

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,
Saturday, May 18, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Upon motion of Mr. Reeves, Judge Hascall administered the following oath to Hon. F. K. Freeman, Senator from the Fifth District.

State of Nebraska, {
County of Douglas. { ss.

I do solemnly swear, that I will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of the office of Senator, to the best of my ability, so help me God.

F. K. FREEMAN.

Subscribed to in my presence, and sworn to before me, this, 18th day of May, A. D., 1867.

ISAAC S. HASCALL,

Probate Judge of Douglas County, State of Nebraska.

The President announced the following Standing Committees of the Senate.

Judiciary—Messrs. Doom, Hascall, Davis.

Finance, Ways and Means—Messrs. Presson, Reeves, Holden.

Education—Messrs. Davis, Wardell, Holden.

Expenditures—Messrs. Holden, Patrick, Sheldon.

Federal Relations—Messrs. Sheldon, Patrick, Doom.

Printing—Messrs. Hascall, Freeman, Majors.

Military Affairs—Messrs. Baird, Patrick, Majors.

Public Buildings and State Library—Messrs. Presson, Patrick, Baird.

Enrolled and Engrossed Bills—Messrs. Reeves, Doom and Holden.

Highways, Bridges and Ferries—Messrs. Sheldon, Reeves, Davis.

Incorporations—Messrs. Hascall, Freeman, Doom.

Counties—Messrs. Baird, Freeman, Sheldon.

Agriculture—Messrs. Sheldon, Holden, Wardell.

Public and State Lands—Messrs. Doom, Patrick, Presson.

Mr. Reeves presented a petition from citizens of Sub-District No. 4, Otoe County, relative to levying a tax, to erect a school building; which was referred to the Committee on Education.

Mr. Wardell presented a communication from J. W. Lowry, Seward County, relative to bridges; which was referred to the Committee on Highways.

Mr. Presson gave notice that at an early day he would introduce a bill to locate the State Penitentiary.

Mr. Reeves gave notice that at an early day he would introduce a bill to amend the Revenue Law.

Mr. Davis gave notice that at an early day he would introduce a bill to amend section 337 of the License Law.

Also, a bill to amend the Charter of the City of DeSoto.

Mr. Doom gave notice that at an early day he would introduce a bill to create the office of District Attorney, and define the duties of the same.

Mr. Sheldon gave notice that at an early day he would introduce a bill for the election of Road Supervisors, and to further define their duties.

Mr. Wardell gave notice that at an early day he would introduce the following bills:

"An act to amend an act, entitled, 'An act to incorporate Nebraska City, approved February 12, 1867,' and to declare and place construction thereon, and to provide for the transition from under the Territorial, to the State Government of said incorporation."

Also, "An act to provide and maintain a system of Free Common Schools for the State of Nebraska."

Also, "An act to provide for, and authorize Counties to vote taxes for Internal Improvements."

Also, "An act to provide for the selection, disposition, improvement and protection of School Lands."

Also, "An act to declare and regulate the responsibility of R. R. Companies for damages done to stock by their employees, and to facilitate the collection thereof."

On motion of Mr. Doom,

Resolved, That the Secretary of State be requested to furnish the Senate with fifty printed copies of the Standing Committees of the Senate.

Mr. Reeves asked and obtained leave by unanimous consent, to introduce S. No. 3, "An act to authorize the Board of Education of Otoe precinct, Otoe Co., to levy a special tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the Committee on Education.

Mr. Majors introduced S. No. 4, "An act to provide for the Public Printing, and the distribution of Statutes and other Public Documents;" which was read the first time.

Mr. Davis asked and obtained leave to introduce S. No. 5, "An act to provide for copying the records of Washington County, so far as they affect the title of real estate, attached to Dodge County at the 12th session of the Territorial Legislature;" which was read the first time.

S. No. 1, "An act to require the Secretary to contract for certain printing," was read the second time, and referred to the Committee on Printing.

S. No. 2, An act to transfer suits at law, and in chancery, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska, was read the second time, and referred to the Judiciary Committee.

Upon motion of Mr. Doom, the Senate proceeded to consider, in Committee of the whole, the Governor's Message—Mr. Presson in the Chair.

After some time spent therein, the Committee rose, and submitted the following report;

To refer to Committee on Elections—Sections 1, 30-9.

To Judiciary—Sections 4, 8, 9, 13, 21, 30-5, 30-6, 30-7, 30-11, 30-12.

To incorporations—Sections 3, 10, 30-16.

To Finance, Ways and Means—Sections 28, 30-9, 30-13, 30-14.

To Federal Relations—Sections 6, 24.

To Educations—Sections 7, 25, 26, part first.

To Expenditures—Sections 11, 16, 23, 27.

To Highways, Bridges and Ferries—Sections 12, 20.

To Committee of the Whole—Sections 14, 18, 30-15, 31.

To Committee on Counties—Sections 15, 29, 30-1.

To Special Committee on Emigration—Section 17.

To Committee on Public Buildings and State Lands—Section 19.

To Committee on Agriculture—Section 22.

To Committee on Military Affairs—Sections 26, second part, and 30-4.

To Committee on Printing—Section 30-3.

To Committee on State Library and Public Lands—Section 30-8.

Report adopted.

On motion of Mr. Davis, a Committee of three were appointed, consisting of Messrs. Davis, Wardell and Holden, to wait upon the Secretary of State to ascertain what arrangements have been made to procure public printing.

Upon motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,

Monday, May 20, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Davis, from the Special Committee appointed to wait upon the Secretary of State, to ascertain what arrangements had been made to procure the public printing, reported that the Secretary informed the Committee, that in the absence of any law governing the advertising for, and letting the contract for public printing, he had taken the responsibility of making temporary arrangements with the Omaha Republican for such incidental printing as the

Legislature may require, until they prescribe a mode for advertising and letting the contract for the same, or otherwise direct.

J. T. DAVIS.

O. HOLDEN.

W. W. WARDELL.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES.

May 18, 1867.

Mr. President :

The House has passed bills of the following titles, viz :

H. No. 2, An act to regulate the prosecuting of cases of original jurisdiction in the Supreme Court.

H. No. 3, An act to amend An act to incorporate Nebraska City, approved February 12, 1867.

In which I am directed to ask the concurrence of the Senate.

JOHN S. BOWEN, *Chief Clerk.*

Mr. Davis, from the Committee on Education, reported S. No. 3, An act to authorize the Board of Education of Otee Precinct, Otee Co., to levy a special tax; that the Committee do not find in the Governor's Proclamation a reference to that subject, and deeming it can best be accomplished by enacting a General Law, authorizing any school district to levy this class of taxes by a majority vote of said sub-district; that the same be indefinitely postponed.

JOHN T. DAVIS,

W. W. WARDELL.

O. HOLDEN.

Mr. Wardell moved that the Committee on Education, be authorized by their unanimous action, to employ a Clerk, to perform such duties as they may direct; and also that said Committee act in conjunction with the same Committee of the House of Representatives.

Mr. Doom moved to amend by inserting after the word Education, "and the Judiciary Committee."

Amendment adopted.

Mr. Reeves moved to amend by striking out that referring to acting in conjunction with the same Committee on the part of the House.

Amendment adopted.

The question recurring upon the original motion as amended, was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Wardell and Mr. President—5.

For the negative—Messrs. Baird, Freeman, Hascall, Majors, Patrick, Reeves and Sheldon—7.

Mr. Davis gave notice that at an early day he would introduce a bill to declare the cases in which offices shall be deemed vacant, and the manner of filling the vacancy.

Also, An act to amend the General Incorporation Laws of Nebraska.

Mr. Freeman gave notice that at an early day he would introduce a bill to name and define the boundaries of certain new counties lying west of the 100th meridian.

Also, of "An act to incorporate North Platte City."

Mr. Doom submitted the following preamble and resolution:

Whereas, D. W. McKimmon, Sergeant-at-Arms elect of the Senate, is prevented by sickness from attending to the duties of that office, *Therefore*,

Resolved, That the Senate proceed to the election of a Sergeant-at-Arms.

H. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court; was read the first time.

H. 3, An act to amend an act to incorporate Nebraska City, was read the first time; and by unanimous consent, the rules were suspended, and the bill read the second time; and committed to a Special Committee, consisting of the Otoe County Delegation.

S. 5, An act to provide for copying the records of Washington Co., so far as they affect the title to real estate attached to Dodge Co., at the 12th session of the Territorial Legislature, was read the second time; and referred to the Committee on Counties.

S. 4, An act to provide for the public printing, and the distribution of Statutes, and other public documents.

By unanimous consent the rules were suspended, and the bill read the second time by its title; and ordered printed.

Upon motion of Mr. Doom, the Senate adjourned.

SENATE CHAMBER,
Tuesday, May 21, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Baird, from the Committee on Counties, to whom was referred the bill S. 5, An act to provide for copying the records of Washington Co., so far as they affect the title to real estate attached to Douglas Co. at the 12th session of the Territorial Legislature; reported it without amendment, and recommended its passage.

Mr. Hascall, from the Committee on printing, reported S. No. 1, An act to require the Secretary to contract for certain printing, with amendments, and recommended its passage.

Mr. Presson, from the Special Committee to whom was referred the revision of the standing rules of the Senate, and the joint rules for the government of the two Houses; submitted the rules, as revised by the Committee

Mr. Presson gave notice, that at an early day he would introduce a bill to ratify the proposed amendment to the Constitution of the United States.

Also, An act to amend an act, entitled, An act to incorporate Falls City, Richardson County. Approved February, 1867.

Mr. Freeman gave notice that at an early day he would introduce a bill to organize Monroe County.

Mr. Freeman introduced S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties in Nebraska; which was read the first time, and the rules suspended, by a three-fourth's vote of the Senate; the bill read the second time, and referred to the Committee on Counties.

Mr. Doom asked and obtained leave to introduce S. No. 7, An act to revise chapter 28, part first of the R. S. Nebraska, entitled, Interest; which was read the first time.

Mr. Wardell asked and obtained leave to introduce S. No. 8, An act to define the duties and liabilities of R. R. Companies; which was read the first time, and ordered printed.

Mr. Davis introduced S. No. 9, An act to amend section 75 of chapter 25, entitled, Incorporations; which was read the first time.

Also, S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies; which was read the first time.

The resolution submitted yesterday by Mr. Doom, relative to D. W. McKimmom, Sergeant-at-Arms; were considered, and unanimously adopted.

Upon motion of Mr. Doom the Senate proceeded to the election of a Sergeant-at-Arms.

Mr. Hascall nominated Philip R. Heelan.

No other nominations being made, the Senate proceeded to vote.

For Mr. Heelan—Messrs. Baird, Davis, Doom, Hascall, Majors, Patrick, Presson, Reeves and Wardell—9.

Mr. Heelan having received the vote of a majority of the members of the Senate, was declared duly elected.

On motion of Mr. Hascall,

Resolved, That the Senate proceed to the election of one Enrolling, and one Engrossing Clerk.

Mr. Presson nominated Isham Revis for Enrolling Clerk.

No other nominations being made, the Senate proceeded to vote.

For Mr. Revis—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—11.

Mr. Revis having received the vote of a majority of the members of the Senate, was declared duly elected.

Mr. Hascall nominated S. D. Beals for Engrossing Clerk.

Mr. Freeman nominated D. W. McCartney.

No other nominations being made, the Senate proceeded to vote.

For Mr. Beals—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For Mr. McCartney—Messrs. Freeman, Patrick, Reeves and Wardell—4.
Mr. Beals having received the vote of a majority of the members of the Senate, was declared duly elected.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 21, 1867.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 1, An act to provide for the prosecution of causes pending, and for enforcing judgments, orders and decrees rendered in the Courts of the late Territory of Nebraska, in which I am directed to ask the concurrence of the Senate.

JOHN S. BOWEN, Chief Clerk.

On motion of Mr. Freeman,

Resolved, That the President appoint a Special Committee on immigration.

On motion of Mr. Reeves, the Senate proceeded to consider, in Committee of the whole, the report of the Special Committee, relative to the standing rules of the Senate, and the joint rules of the two Houses; Mr. Reeves in the Chair.

After some time spent therein, the Committee rose and reported.

Rule No. 4 be amended by striking out the words "two Houses."

Rule No. 11, 5th line, by adding the words "provided the reiteration of the motion, without intervening business, shall not be entertained."

Also, that the words "the previous question," be inserted in the second line, after the word "for."

Rule No. 27, be No. 42.

Also, that the joint rules be adopted without amendment.

On motion of Mr. Presson,

Resolved, The report be adopted, and fifty copies of the rules, together with the revised Standing Committees, be printed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 21, 1867.

Mr. President:

I am instructed to inform the Senate, that the House has adopted the report of the Joint Committee on joint rules for the government of the two Houses, without amendment.

JOHN S. BOWEN, Chief Clerk.

On motion of Mr. Doon, the Senate proceeded to consider, in Committee of the Whole, S. No. 1, An act to require the Secretary to contract for certain printing. Mr. Hascall in the Chair.

After some time spent therein, the Committee rose and reported sundry amendments thereto.

Report received.

On motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,
Wednesday, May 22, 1867.

Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

The President announced as the Special Committee on immigration, Messrs. Freeman, Majors and Baird.

Also, the Standing Committee on public and State lands, Messrs. Doom, Patrick and Presson.

The Sergeant-at-Arms and Engrossing Clerks came forward and subscribed to the following oath:

State of Nebraska, {
County of Douglas. { ss.

We, and each of us, do solemnly swear, that we will support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully discharge the duties of the offices in the Senate to which we are chosen, to the best of our ability. So help us God.

S. D. BEALS,

PHILIP R. HEELAN.

Subscribed in my presence, and sworn to before me, this, the 22d day of May, 1867.

E. H. ROGERS,

President of the Senate.

Mr. Doom, from the Judiciary Committee, reported S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska; with amendments, and recommended its passage.

On motion of Mr. Presson,

Resolved, That Judge Crounse be invited within the bar of the Senate.

Mr. Baird, from the Committee on Counties, reported S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties; without amendment, and recommended its passage.

Mr. Reeves, from the Otoe Co. delegation, reported H. No. 3, An act to amend an act to incorporate Nebraska City, approved February 12, 1867; without amendments, and recommended its passage.

Mr. Doom submitted the following resolutions; which were by unanimous consent, considered and adopted.

Resolved, That the Committee on Finance, Ways and Means, be instructed to inquire into the expediency of so amending the revenue law, that the Sheriff of each County shall be the Collector of the revenue within the same.

Also, as to the propriety of so amending the revenue law as to require the taxes to become delinquent on the 1st day of January; and report the bill, or otherwise, at the earliest practicable moment.

Resolved, by the Senate of the State of Nebraska, That the Governor, Auditor, and Secretary of State be requested to report to the Legislature, at the earliest possible moment the amount of property, of each kind, transferred by the Territorial Officers, to the State of Nebraska.

Mr. Presson submitted the following resolutions; which were by unanimous consent, considered and adopted.

Resolved, That the Judiciary Committee be directed to ascertain the state of the title of the State of Nebraska, to the lands of the Capitol.

Resolved, That the Secretary of State be directed to furnish to each of the members of the Senate, the Secretary and Assistant Secretary, one copy of each of the daily papers published in the City of Omaha, during the present session.

Mr. Wardell submitted the following resolution; which was by unanimous consent, considered and adopted.

Resolved, That the Committee on Public Buildings, and State Library, be, and are hereby directed and required, at their earliest convenience, to report to this Senate all information in their power, relative to the condition, extent and value, of the late Territorial Library, by Hon. R. S. Knox, late Territorial Librarian, transferred, and placed in the custody and possession of Hon. T. P. Kennard, Secretary of the State of Nebraska; and that they be required to report by bill or otherwise, any action which, in their opinion may be necessary, in relation to the control of the same.

Mr. Hascall gave notice that at an early day he would introduce a bill to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity.

Mr. Patrick gave notice that at an early day he would introduce a bill to create the office of Land Commissioner, and to define his duties, and to regulate the disposition and control of the public lands.

Mr. Majors gave notice that at an early day he would introduce a bill to provide for the registration of voters of all incorporated cities and towns in the State.

H. No. 1, An act to provide for the causes pending, and for enforcing judgments, orders and decrees rendered in the Courts of the late Territory of Nebraska; was read the first time, and by unanimous consent the rules were suspended, and the bill read the second time, and referred to the Committee on Judiciary.

Mr. Freeman introduced S. No. 11, An act to organize Monroe County.

and locate the County seat; which was read the first time, and by unanimous consent, the rules were suspended, and the bill read the second time, and referred to the Committee on Counties.

Mr. Sheldon introduced S. No. 12, An act to provide for the election of Road Supervisors, and to further define their duties; which was read the first time.

Mr. Doom introduced S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same; which was read the first time.

Mr. Majors introduced S. No. 14, An act to provide for the dismissal of certain actions in vacation; which was read the first time.

Mr. Reeves introduced S. No. 15, An act to amend chapter 46, part first, of the R. S. Nebraska, entitled, Revenue; which was read the first time.

H. No. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court; was read the second time, and referred to the Judiciary Committee.

S. No. 8, An act to define the duties and liabilities of R. R. Companies; was read the second time, and referred to the Committee on Judiciary.

S. No. 7, An act to revise chapter 28, part first, of the R. S. Neb., entitled, Interest; was read the second time, and referred to the Committee on Finance, Ways and Means,

S. No. 9, An act to amend section 75 of chapter 25, entitled, Incorporations; was read the second time, and referred to the Committee on Highways.

S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies; was read the second time, ordered printed, and referred to the Committee on elections.

S. No. 4, An act to provide for the public printing, and the distribution of statutes and other public documents; referred to the Committee on Printing.

S. No. 5, An act to provide for copying the records of Washington County, so far as they affect the title to real estate attached to Dodge Co., at the 12th session of the Territorial Legislature. Ordered to a third reading to-morrow.

On motion of Mr. Doom,

Resolved, That Hons. Geo. B. Lake, E. S. Dundy, and O. P. Mason, be invited within the bar of the Senate.

Mr. Hascall moved the report of the Committee on Education, recommending the indefinite postponement of S. No. 3 be adopted. An act to authorize the Board of Education of Otoe precinct, Otoe County, to levy a special tax; which was disagreed to.

On motion of Mr. Presson, the consideration of the bill was made a special order for to-morrow at 10 o'clock.

The report of the Committee of the whole, received yesterday upon S. No. 1, An act to require the Secretary to contract for certain printing, recommending sundry amendments, was considered and adopted, and the bill ordered engrossed for third reading.

On Motion of Mr. Freeman, the Senate adjourned.

SENATE CHAMBER,
Thursday, May 23, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Sheldon, from the Committee on Highways, reported S. No. 9, An act to amend section 75 of chapter 25, entitled, Incorporations; with amendments, and recommend its passage.

Mr. Baird, from the Committee on Counties, reported S. No. 11, An act to organize Monroe County, and to locate the County seat; without amendments, and recommended its passage.

Mr. Wardell submitted the following resolution, which was laid over under the rules:

Resolved, That the Secretary of State and Auditor be, and the same are hereby required, as soon as may be, to furnish the Senate with any and all the information in their power, relative to the financial condition of the State; all expenses for labor and material, performed and furnished; the manner and form of advertising and letting all contracts for the same; the reasons for accepting or rejecting any and all such bids; also all other information in relation to the same subject matter, necessary to a complete understanding of the same.

Mr. Presson submitted the following Resolution, which was laid over.

Resolved, That the Secretary of State be instructed to procure, at the earliest moment, the printing of five hundred copies of the Governor's message in the English, and two hundred and fifty copies of the same in the German language, with the Constitution of the State of Nebraska appended thereto, for the use of the members of the Senate.

Mr. Sheldon submitted the following resolution, which was laid over:

Resolved, That the Committee on education, be instructed to draft and introduce a bill to provide a system of leasing the school lands, and to provide for the disposal of the funds arising from the lease of said lands.

Mr. Doom introduced S. No. 16, An act to provide for the election of District Attorneys, and to define their duties; which was read the first time.

Also, S. No. 17, An act to abolish the distinctions between actions at law, and suits in equity; to amend section 87 of the code of civil procedure, title 6, entitled, Joinder in action, and to repeal title 24 of the code of civil procedure, entitled, Chancery; which was read the first time.

Also, S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same; which was read the first time.

Mr. Doom moved the rules be suspended, and the bills be read the second time by their titles, which was decided in the negative, less than three-fourths of the members voting therefor, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Reeves, Sheldon, Wardell and Mr. President—8.

For the negative—Mr. Presson—1.

Mr. Presson moved the bills S. No. 16, 17, 18, be ordered printed; which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Hascall, Majors, Seeldon, Davis, Holden, Presson and Mr. President—8.

For the negative—Messrs. Reeves and Wardell—2.

Mr. Presson introduced S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City in Richardson Co., approved February 12, 1867; which was read the first time.

Mr. Reeves gave notice that at some early day he would introduce a bill to amend section 38 of chapter 43 of the R. S. Neb., regulating the appointment of Commissioners of Deeds.

The hour having arrived for the special order for the consideration of S. No. 3, An act to authorize the Board of Education of Otoe precinct, Otoe County, to levy a special tax.

Mr. Reeves offered a substitute of a general nature to said bill, and moved it be adopted; which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—Messrs. Baird and Doom—2.

On motion of Mr. Presson, ordered Sub. S. No. 3, An act to authorize school districts to levy taxes for the erection of school houses; be referred to the Committee on Education.

S. No. 12, An act to provide for the election of Road Supervisors, and to further define their duties; was read the second time, and referred to the Committee on Highways.

S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same.

Mr. Hascall moved the rules be suspended, and the bill be read the second time; which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Majors and Presson—6.

For the negative—Messrs. Freeman, Reeves, Sheldon and Wardell—4.

On motion of Mr. Presson, a call of the House was ordered.

Absent—Messrs. Doom, Hascall, Patrick and Mr. President.

On motion of Mr. Presson, the Sergeant-at-Arms was dispatched after absentees.

Mr. Wardell moved the Senate adjourn.

Disagreed to.

On motion of Mr. Reeves, all further proceedings under the call was dispensed with.

The bill was read the second time.

Mr. Presson moved the bill be referred to the Committee on Education.

Mr. Doom moved to amend by substituting in lieu of "Education," "Public and State Lands;" which was disagreed to.

Mr. Reeves moved to amend by substituting in lieu of "Education," "a Special Committee, consisting of Messrs. Presson, Doom and Wardell."

Amendment adopted.

The question recurring on the original motion as amended, was decided in the affirmative.

On motion of Mr. Doom, ordered that the bill be printed.

Mr. Presson moved Mr. Doom be Chairman of the Committee; which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Freeman, Hascall, Holden, Majors, Presson, Reeves, Wardell and Mr. President—9.

For the negative—Mr. Davis—1.

S. No. 14, An act to provide for the dismissal of certain actions in vacation; was read the second time, and referred to the Judiciary Committee.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
May 23, 1867.

To the Senate of the State of Nebraska:

In compliance with the request contained in a resolution transmitted to me on the 22d inst., I have the honor to report to the Legislature the following list of property, turned over to me by the Territorial Governor, to wit: one desk, one table, one sofa or settee.

Very respectfully,

DAVID BUTLER,

Governor.

The following communication was received from the Secretary of State:

STATE OF NEBRASKA,
OFFICE OF SECRETARY OF STATE,
City of Omaha, May 22, 1867.

Gentlemen of the Senate of the State of Nebraska:

In response to a resolution addressed to this office, making inquiry in reference to the amount of property in this office belonging to the United

States, turned over by the late Secretary of the Territory, I beg leave to make to your honorable body the following report, viz:

Thus far there has been nothing formally turned over. The late Secretary informed me, upon my coming into office, that I should take possession, and that he would have an inventory and formal surrender made: which up to this time has not been done.

Your obedient Servant,

THOS. P. KENNARD,

Secretary of State.

S. No. 15, An act to amend chapter 46, part first, of the R. S. Nebraska, entitled, "Revenue."

Mr. Doom moved the rules be suspended, and the bill be read the second time by its title, and referred to the Committee on Finance, Ways and Means; which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—10.

For the negative—Messrs. Freeman and Wardell—2.

On motion of Mr. Reeves, ordered that the bill be printed.

On motion of Mr. Davis, the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock, P. M.

Mr. Reeves, from the Committee, reported S. No. 1, An act to require the Secretary to contract for certain printing, correctly engrossed.

Mr. Wardell moved that the report of the Committee on H. No. 3, An act to amend an act to incorporate Nebraska City, approved February 12th, 1868, be adopted; which was agreed to.

On motion of Mr. Wardell, ordered the amendment be engrossed, and the bill be read the third time to-day.

On motion of Mr. Freeman, the Senate proceeded, as in Committee of the whole, S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties.

S. No. 11, An act to organize Monroe County, and locate the County seat.

After some time the bills were reported to the Senate with amendments. Report received and adopted.

On motion of Mr. Doom, ordered that the bills be engrossed for third reading.

On motion of Mr. Doom, ordered the Senate proceed to consider bills on third reading.

S. No. 5, An act to provide for copying the records of Washington County, so far as they affect the title to real estate attached to Dodge County, at the 12th session of the Territorial Legislature, was read the third time.

The President put the question, Shall the bill pass? which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

S. No. 1, An act to require the Secretary to contract for certain printing, was read the third time.

The President put the question, Shall the bill pass? which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

H. No. 3, An act to amend an act to incorporate Nebraska City.

Mr. Presson moved the bill be made a special order at 10 o'clock to-morrow; which was disagreed to.

The bill was read the third time.

The President put the question, Shall the bill pass? which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Majors, Reeves, Sheldon and Wardell—9.

For the negative—Messrs. Hascall and Presson—2.

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,

Friday, May 24, 1867.

Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Doom, from the Judiciary Committee, reported S. No. 14, An act to provide for the dismissal of certain actions in vacation; without amendment, and recommended its passage.

Mr. Majors, from the Committee on Elections, submitted a majority report upon S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein; without amendment, and recommend its passage.

Mr. Wardell submitted the following minority report, viz:

Your Committee on Elections, to whom was referred S. No. 10, having had the same under careful consideration, and a minority of your said Committee, having honestly and candidly differed and dissented from the views of the majority beg leave to submit herewith the reasons which impelled him to his dissent.

FIRST. This law, if enacted, will be *ex post facto* in its operations; as it

attempts to place conditions and restrictions upon the officer elect, which did not exist prior to, or at the time of his election; or in other words, it is an attempt of one party to change the terms of a contract, without the consent of the other; or which is in plain violation of an express provision of the Constitution of the United States, and as this Legislature would have no power to amend said instrument, this bill, if passed, would but remain a dead letter on our statute book as a monument of our folly, and no lawyer of sufficient legal ability to entitle him to this responsible and honorable position, could be induced to accept a position which he could only hold until an investigation took place before the proper courts, and which could result only in declaring the law unconstitutional, and absolutely void.

SECOND. Section 2 provides that "in case of a vacancy as herein provided, the Governor shall nominate, and the Senate confirm, some suitable person," &c. &c., "who shall hold his office during the unexpired term of the office to which he shall be appointed."

By reference to section 1 of the subdivision of the State Constitution, entitled, "Judiciary" second clause, we find the following: "The Supreme Court shall consist of a Chief Justice, and two Associate Justices, any two of whom shall constitute a quorum, and shall hold a term of Supreme Court at the seat of Government annually. Said Supreme Judges shall be elected, not appointed, not nominated by the Governor, not confirmed by the Senate, but absolutely elected by the qualified electors of Nebraska. This, gentlemen, of the Senate, if it means anything, means to so effectually separate the judiciary from party political strife, as to render to all alike, unprejudiced, unbiased and even handed justice, which, I think, cannot be possibly done by the adoption of this bill; and this disfranchising the whole entire majority of the voters of Nebraska. Let us consider for a single moment, the result of adopting this section. At the last election of the Judges of the Supreme Court, Hon. W. A. Little, and Hon. O. P. Mason, were the candidates, one of the Democratic, and the other of the Republican party. Judge Little having received a majority of all the votes, is declared duly elected; and suppose at the end of ten days from the passage of this bill, that from sickness or other cause, Mr. Little has failed to qualify, and the Governor should nominate the said Mason, and the Senate confirm the same, would it not be an entire disregard of the expressed will of the people, not alone of the Democratic, but also of the Republican party? I therefore dissent from the views of the majority, and beg leave to recommend that the bill be re-committed to the Committee on Judiciary, with instructions to so amend the provisions of said bill, that it may conform to the provisions of the Constitution of the United States, as well as the Constitution of the State of Nebraska, if in their judgment said bill does not now conform to the letter and spirit of said instrument.

W. W. WARDELL.

Mr. Reeves, from the Committee, reported S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties.

S. No. 11, An act to organize Monroe County, and locate the County seat, correctly engrossed.

On motion of Mr Hascall, the resolution submitted yesterday by Mr. Presson, was amended and adopted, which reads as follows:

Resolved, That the Secretary of State be instructed to procure, at the earliest moment, the printing of one thousand copies of the Governor's Message in the English, and five hundred copies of the same in the German language, with the Constitution of the State of Nebraska appended thereto, for the use of the members of the Senate.

On motion of Mr. Doom, the resolution submitted yesterday by Mr. Sheldon was amended, and adopted, to read as follows:

Resolved, That the Committee on Education be instructed to inquire into the expediency of disposing, by lease, of the school lands, and of providing for the disposal of the revenue arising from the lands so disposed of, and to report by bill or otherwise.

The resolution submitted yesterday by Mr. Wardell, requiring the Secretary of State and Auditor to report to the Senate information relative to the financial condition of the State, and also in regard to printing, stationery, contracts &c., was adopted without amendment.

Mr. Presson submitted the following resolution, which was, by unanimous consent, considered and adopted.

Resolved, That the Secretary of State be requested to furnish each of the State officers with one copy of each of the daily papers, published in the City of Omaha, during the present session of the Legislature.

Mr. Doom submitted the following resolution, which was laid over under the rules.

Resolved, That the Committee on Finance, Ways and Means, are hereby instructed to inquire into the expediency of abolishing the State sinking fund tax.

Also, what disposition should be made of the surplus money in the State Treasury, and that said Committee report by bills or otherwise, at the earliest practicable moment.

Mr. Freeman submitted the following resolution, which was laid over.

Resolved, That the Secretary of State be, and he is hereby requested to report to this body as soon as practicable, whether or not, the proceedings of the first session of the Legislature of Nebraska have been journalized and published, and if not, what measures have been taken to publish the same.

Mr. Doom gave notice that at an early day he would introduce a bill, providing for the times and places of holding terms of the Supreme Court.

Also, of a bill to provide for State printing.

Mr. Hascall introduced S. No. 20, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law and suits in equity, which was read the first time.

On motion of Mr. Hascall, the rules were suspended by unanimous consent, and the bill read the second time by its title, and referred to the Judiciary Committee.

Mr. Reeves introduced S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real Estate; which was read the first time.

S. No. 16; An act to provide for the election of District Attorneys, and to define their duties, was read the second time, and referred to the Judiciary Committee.

S. No. 17, An act to abolish the distinctions between actions at law, and suits in equity, to amend section 87 of the code of civil procedure, title 6, entitled, "Joinder in action;" and to repeal title 24 of the code of civil procedure, entitled, "Chancery," was read the second time, and referred to the Judiciary Committee.

S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same, was read the second time, and referred to the Judiciary Committee.

S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, approved February 12, 1867; was read the first time, and referred to the Committee on incorporations.

On motion of Mr. Doom, S. No. 12, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska; was passed over until to-morrow.

On motion of Mr. Presson, Isham Revis, Enrolling Clerk, came forward and subscribed to the following oath, viz:

State of Nebraska, {
County of Douglas. { ss.

I, Isham Revis, do hereby solemnly swear, that I will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of Enrolling Clerk of the Senate of the State of Nebraska, to the best of my ability, so help me God.

ISHAM REVIS.

Subscribed and sworn to in my presence, this 24th day of May, 1867.

E. H. ROGERS,

President of the Senate.

On motion of Mr. Reeves, the Senate proceeded to consider, in Committee of the whole, S. No. 9, An act to amend section 75 of chapter 25, of the R. S. Nebraska, entitled, "Incorporations."

Mr. Presson, Chairman of said Committee, reported the bill back to the Senate, without amendment.

On motion of Mr. Davis,

Resolved, That the report be adopted, and the bill be engrossed for third reading to-morrow.

S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Patrick, Reeves, Sheldon and Wardell—9.

For the negative—Messrs. Hascall and Presson—2.

S. No. 11, An act to organize Monroe County, and locate the County seat, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Patrick, Reeves, Sheldon and Wardell—7.

For the negative—Messrs. Davis, Hascall, Holden, Majors and Presson—5.

On motion of Mr. Wardell,

Resolved, That Gen. Thayer, U. S. Senator, be invited to a seat within the bar.

By unanimous consent, Page Kennard was granted leave of absence until Monday.

On motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,
Saturday, May 25, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

The President called the attention of the Senate to the printed rules.

On motion of Mr. Presson,

Resolved, That the report of the Committee of the whole be adopted, and that rule 28 be amended by the insertion of the word "by," at the end of the 5th line, and that rule 11th be amended by the insertion of the word "that," after the word "entertained," in the 7th line.

Also, by unanimous consent,

Resolved, That it shall require three-fourths of all the members to suspend the rules.

Mr. Reeves, from the Committee, reported S. No. 9, An act to amend Section 75 of Chapter 25, entitled, Incorporations, correctly engrossed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 24, 1867. }

Mr. President:

I am instructed to inform your honorable body, that the House has concurred in the amendments made by the Senate to a bill of the House, H. No. 3, An act to amend an act to incorporate Nebraska City, approved February 12th, 1867.

The House has passed a bill of the following title, viz:

H. No. 23, Joint resolution requesting the Secretary of the Interior to withdraw all public lands from market.

In which I am directed to ask the concurrence of the Senate.

JOHN S. BOWEN, *Chief Clerk.*

Mr. Sheldon, from the Committee on Highways, reported S. No. 12, An act to provide for the election of road supervisors, and further define their duties, with amendments, and recommended its passage.

Mr. Reeves, from the Joint Committee, reported H. No. 3, An act to amend an act to incorporate Nebraska City, approved February 12th, 1867. Correctly enrolled, when the President signed the same.

Mr. Presson, from the Committee on Finances, reported S. No. 7, An act to revise chapter 28, part first, of the R. S. Nebraska, entitled Interest, with amendments, and recommend its passage.

Mr. Reeves from the same Committee submitted the following minority report:

The bill under consideration virtually repeals our present Statute regulating interest, and declares that parties may contract for any rate which may be agreed upon, and that the contract shall be valid or may be enforced at law.

The policy of such a change may well be doubted at any time; but especially at this particular time, when the circulating medium known as money, is being contracted; when the price of nearly every commodity is falling, or the value of Legal Tender Notes as compared with gold, is steadily appreciating in value.

These facts go to prove that money is becoming scarce, and indications are not wanting to warn us that we are about to experience another of those disastrous financial revulsions, which involves thousands of good citizens in bankruptcy.

The passage of this bill will enable the capitalists, whose means consist in ready money, to take advantage of the necessities of the poor, and the unfortunate, who are the larger class and who are especially entitled to the protection of the law. Experience has demonstrated the fact that when money lenders are allowed to make their own terms, litigation increases, improvements are retarded, and the title to real estate passes rapidly from the hands of the cultivators of the soil, to the bankers and money lenders.

Senators who lived in Nebraska nine years ago, will not ask for proof of this. It stands out but too prominent in his recollection of the hardships, losses and wrongs, inflicted upon the hardy pioneers of that day, through the operation of a statute similar to the bill under consideration. Another objection to the bill is found in the fact that it retards and hinders the developement and improvement of the country. If a capitalist can lend his money at from twenty to forty per cent. on good security, he will not run the risk of engaging in commerce, agriculture, or the establishment of manufactories, for the simple reason that he can sit down on his easy chair, and realize larger profits by doing nothing to benefit the country, while those who borrow, cannot successfully prosecute their labor, because the payment of interest absorbs all their profits, and cripples their energies.

It is a favorite argument with some gentlemen, that the interest law should be repealed, because, as they aver, its provisions can be, and frequently are evaded. The argument would be equally good against the law for the punishment of stealing, because it can be, and frequently is evaded.

But is it true that the law cannot be enforced, and that it is more frequently evaded than other penal statutes?

If gentlemen will take the trouble to examine law reports of the several states; they will discover that the courts have held with singular unanimity, that usury cannot be collected. In the language of the report of the case of *Mathias vs. Cook*, Illinois Reports, vol. 31, page 86, "no reason is perceived why the defendant may not insist upon a deduction of the interest reserved, or paid above ten per cent., that being the amount of interest allowed by the statute at the time the contract was made."

Decisions in point might be multiplied to fill a volume, in proof that courts do enforce usury laws. The rate of interest now allowed by law in this State, is very high, and no good reason has been assigned why it should be increased to the detriment of the industrial interests of the country. Interest is the creature of the statute alone, and to it capitalists and all others must look for authority for its allowance.

If not allowed by the statute book, it cannot be recovered. As the common law, interest was never allowed; but during the reign of Queen Anne, of England, a statute was enacted, allowing five pounds on the hundred, for the use or forbearance of money; and legislation has controlled the subject from that day to this.

It has been objected that money is property, and that a party has a right to do as he pleases with his own property. The proposition is erroneous in two particulars.

First, Money is not property, but is the medium by which the value of all property is ascertained. It is the measure of all damages, and the end of the law.

Second, Whether money be construed to be property or not, no man has a right to use either money or property to the detriment or demoralization of the public.

It is believed that the present law reflects the wishes, and meets the wants of the people, and I hope it will be allowed to remain on the statute books.

MILLS S. REEVES.

The resolution submitted yesterday by Mr. Doom; that the Committee on Finance be instructed to inquire into the expediency of abolishing the State Sinking Fund tax, and also what disposition should be made of the surplus money in the State Treasury, and to report by bill, or otherwise, was considered and adopted.

The resolution submitted yesterday by Mr. Freeman, relative to the publication of the proceedings of the first session of the Legislature of the State of Nebraska, was considered and adopted.

Mr. Doom submitted the following resolution, which was laid over under the rules:

Resolved, That the Committee on Counties, be requested to report what, if any, legislation is necessary to provide for the organization of new counties, and to define the relation between counties attached to each other for election, judicial and revenue purposes.

Mr. Doom introduced S. No. 22, An act to provide for State printing, which was read the first time.

On motion of Mr. Majors, the rules were suspended by unanimous consent,

and the bill read the second time, and referred to the Committee on Printing.

Mr Doom introduced S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court, which was read the first time.

On motion of Mr. Doom, the rules were suspended by unanimous consent, and the bill read the second time, and referred to the Judiciary Committee.

S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real Estate, was read the second time.

On motion of Mr. Doom, was considered in Committee of the whole, and reported back to the Senate by Mr. Patrick, Chairman of said Committee, with the recommendation that it pass.

Also, S. No. 14, An act to provide for the dismissal of certain actions in vacation, with the recommendation that it pass.

Also, S. No. 2, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings, in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

On motion of Mr. Doom,

Resolved, That the amendments of the Judiciary Committee be adopted, and ordered that the bill be engrossed for third reading.

Also, S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

On motion of Mr. Reeves, ordered that the bill be recommitted to the Judiciary Committee.

S. No. 9, An act to amend section 75 of chapter 25, entitled Incorporations, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Wardell—12.

For the negative—none.

On motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,
Monday, May 27, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Hascall, from the Committee on Incorporations, reported S. No. 19, An act to amend an act, entitled, an act to incorporate Falls City, in Richardson County, approved February 12th, 1867, with amendments.

Mr. Doom, from the Judiciary Committee, reported H. No. 1, An act to provide for the prosecution of the causes pending, and for enforcing judgments, orders and decrees, rendered in the Courts of the late Territory of Nebraska, without recommendation.

Also, S. No. 20, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity, without recommendation.

Also, S. No. 18, An act to define the boundaries of Judicial Districts, and to assign Justices to the same, with amendments, and recommended its passage.

Also, S. No. 23, An act providing for the time and places of holding terms of the Supreme Court; without amendment, and recommended its passage.

Also, S. No. 17, An act to abolish the distinctions between actions at law, and suits in equity; to amend section 87 of the code of civil procedure, title 6, entitled, Joinder in action; and to repeal title 24 of the code of civil procedure, entitled, Chancery, with amendments, and recommended its passage.

Also, H. No. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court, with amendments.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 27, 1867.

Mr. President:

The House has adopted a Concurrent Resolution, as follows:

Resolved, by the Senate and House of Representatives of the Legislature of Nebraska, That in view of the rapid selection of public land by speculators, at the different land offices of this State, that his Excellency, Governor Butler, be, and he is hereby requested to proceed at once and select the saline lands of the State of Nebraska, without delay.

In which I am directed to ask the concurrence of the Senate.

JOHN S. BOWEN, *Chief Clerk.*

Mr. Doom, from the Judiciary Committee, to whom was recommitted S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, reported the same back, with amendments.

Mr. Hascall submitted the following resolution, which was laid over.

Resolved, That when the Senate orders any bill printed, that one hundred copies thereof be printed; thirty to be furnished to the Senate, and seventy to the House of Representatives.

Mr. Doom submitted the following resolution, which was laid over.

Resolved, That the Committee on Expenditures be requested to introduce a bill for an act to provide for the payment of the expenses of the current year, including the salaries of the Executive and Judicial officers, and the members and employees of this Legislature.

The resolution submitted yesterday by Mr. Doom, was considered and adopted, "requesting the Committee on Counties to report what, if any, legislation is necessary to provide for the organization of new Counties, and to define the relation between Counties attached to each other for election, judicial and revenue purposes."

The Senate, by unanimous consent, considered and adopted the concurrent

resolution of the House, "requesting the Governor to select the saline lands of the State, without delay."

H. No. 23, Joint resolution, requesting the Secretary of the Interior to withdraw all public lands from market, was read the first time.

On motion of Mr. Reeves, the rules were suspended by unanimous consent, and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

On motion of Mr. Presson, the Senate proceeded to consider bills reported from Committees, in Committee of the whole.

On motion of Mr. Patrick, the Committee rose and reported, through their Chairman, Mr. Reeves, S. No. 12, An act to provide for the election of Road Supervisors, and to further define their duties; to adopt the report of the Committee on Highways, recommending sundry amendments; and also that the bill be engrossed for a third reading.

Report adopted.

S. No. 7, An act to revise chapter 28, part first, of the R. S. Nebraska, entitled, Interest, to indefinitely postpone the bill.

Mr. Presson moved to make the consideration of the bill, a special order for to-morrow, at 10 o'clock.

Disagreed to.

On motion of Mr. Hascall, the report of the Committee was adopted, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Patrick, Reeves, Sheldon, Wardell and Mr. President—9.

For the negative—Messrs. Doom, Freeman Holden and Presson—4.

S. No. 14, An act to provide for the dismissal of certain actions in vacation, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Patrick, Presson, Reeves, Sheldon and Wardell—10.

For the negative—none.

S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real Estate, was read the third time.

On motion of Mr. Reeves, by unanimous consent, the blank in the bill was filled by the word "three."

The President then put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Wardell—12.

For the negative—none.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 27, 1867.*Mr. President:*

The House has passed bills of the following titles, viz:

H. No. 12, An act to authorize the Governor to appoint as many Commissioners of Deeds as he deems expedient.

H. No. 13, An act providing for special terms of the District Courts.

H. No. 17, Joint resolution to authorize the Auditor to make temporary arrangements for the payment of mileage, and *per diem*.

H. No. 20, Joint resolution, directing the Auditor to enquire into the validity of pre-emption of school lands, in which I am directed to ask the concurrence of the Senate.

JOHN S. BOWEN, *Chief Clerk*.

On motion of Mr. Wardell, the following resolution was considered, by unanimous consent, and adopted.

Resolved, That the Senate do adjourn until one o'clock, P. M., Tuesday, the 28th of May; and that the Sergeant-at-Arms be instructed to drape the President's desk in mourning, in commemoration of the late Chief Justice of Nebraska—William A. Little.SENATE CHAMBER,
Tuesday, May 28, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll Call.

Journal read and approved.

Mr. Doom, from the Judiciary Committee, submitted the following preamble and resolution, which was, by unanimous consent considered and adopted.

Mr. President:

The Committee on Judiciary, respectfully beg leave to offer the following preamble and resolution:

Whereas, Intelligence of the death of Hon. William A. Little, Chief Justice of the State of Nebraska, has been communicated to this body; therefore, be it*Resolved by the Senate of the State of Nebraska*, That Hon. William A. Little by the amenity of his manners, the integrity of his character, and the purity of his public life, has endeared himself to the people of this State, and his death has produced heartfelt sorrow and regret throughout the State.*Resolved, further*, That we hereby tender the relatives and friends of the deceased our heartfelt sympathies, and that the President of the Senate be requested to forward a copy of these resolutions to the family of Judge Little.

J. E. DOOM,

I. S. HASKELL,

J. T. DAVIS.

Mr. Reeves made the report of the following bills, as correctly engrossed:

S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings, in the courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

S. No. 12, An act to provide for the election of Road Supervisors, and to further define their duties.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
May 28, 1867.

Mr. President:

The House has adopted the following resolution:

Resolved, That Hon. James M. Woolworth, be requested to deliver an oration upon the character and public services of the lamented William A. Little, late Chief Justice of the State of Nebraska; and that the Senate be invited to meet with the House on Saturday next, at 2 o'clock, P. M., for the purpose of an expression of such sentiments on the part of the General Assembly, as the occasion demands.

JOHN S. BOWEN, *Chief Clerk*.

The resolution submitted yesterday by Mr. Doom, was considered and adopted, to wit:

Resolved, That the Committee on Expenditures be requested to introduce a bill to provide for the payment of the expenses of the current year, including the salaries of the Executive and Judicial officers, and the members and employees of this Legislature.

The Senate proceeded to consider the resolution submitted by Mr. Hascall yesterday, ordering 100 copies of all bills ordered printed, and that the Senate be furnished with 30 copies, and the House of Representatives 70 copies of the same.

Mr. Doom moved to amend by striking out "70" and "30," and inserting "50" instead; which was disagreed to.

On the question whether the Senate would agree to said resolution, it was determined in the negative.

Mr. Hascall asked and obtained leave to introduce S. No. 24, An act to amend an act, approved February 8th, 1867, entitled, An act to amend section 1, of an act entitled, an act to revise and consolidate the several acts relative to the City of Omaha, and for other purposes, approved February 11th, 1865, which was read the first time.

H. No. 13, An act providing for special terms of the District Court, was read the first time.

On motion of Mr. Hascall to read the bill the second time, the Senate refused to suspend the rules, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Majors, Reeves and Sheldon—6.

For the negative—Messrs. Freeman, Holden and Wardell—3.

H. No. 20, Joint resolution, directing the Auditor to inquire into the validity of pre-emption of school lands, was read the first time.

H. No. 17, Joint resolution to authorize the Auditor to make temporary arrangements for the payment of mileage and *per diem*, was read the first time.

H. No. 12, An act to authorize the Governor to appoint as many Commissioners of Deeds as he deems expedient, was read the first time.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the whole, the several bills reported from committees.

Mr. Doom in the Chair.

On motion of Mr. Presson, the Committee rose and reported,

S. No. 23, An act providing for the time and places of holding terms of the Supreme Court, without amendment.

S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same, with sundry amendments, to be engrossed for third reading.

S. No. 17, An act to abolish the distinctions between actions at law, and suits in equity; to amend section 87 of the code of civil procedure, title 6, entitled, Joinder in Action; and to repeal title 24 of the code of civil procedure, entitled, Chancery, with sundry amendments, to be engrossed for third reading.

S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, with sundry amendments; to be engrossed for third reading.

Report received.

On motion of Mr. Wardell, the Senate adjourned.

SENATE CHAMBER,

Wednesday, May 29, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Hascall, from the Committee on Printing, reported S. No. 22, An act to provide for State printing, without amendment.

S. No. 4, An act to provide for the public printing, and the distribution of statutes and other public documents, without recommendation.

Mr. Freeman, from the Special Committee on Immigration, submitted the following report:

Mr. President:

Your Select Committee on Immigration, have had under serious consideration the various modes of inducing new settlers to come into our midst, and take up permanent habitation, and after timely deliberation, beg leave to suggest to the Senate the urgent importance of making an appropriation of not less than (\$10,000) ten thousand dollars, to be placed by the authority of the

Legislature in the hands of a Board already created and appointed by the Governor, for the support of agents at home and abroad, who shall devote their energies to the advancement of immigration, by informing individuals, as well as the world at large, of the vast openings for wealth and unparalleled prosperity within our boundaries.

Your Committee would further recommend, that in order to promote the general interests, and build up the commonwealth, the speedy reorganization of said Board of Immigration, is highly necessary; and further, that paramount action should be taken on this great subject of encouraging and introducing into our young State an industrious and flourishing population.

F. K. FREEMAN,
H. BAIRD,
THOS. J. MAJORS.

Mr. Presson submitted the following resolution:

Resolved by the Senate of the State of Nebraska, the House concurring,
That his Excellency, David Butler, Governor, is hereby authorised and requested, after selecting the saline lands, to immediately select all valuable vacant lands in the Counties of Seward, Lancaster, Butler, Saunders and Johnson, as State lands, by plat or otherwise.

Mr. Presson moved the rules be suspended, for the consideration of the resolution, which was decided in the negative, as follows, three-fourths of the members not voting therefor:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Majors, Presson, Reeves and Wardell—9.

For the negative—Messrs. Hascall and Patrick—2.

Mr. Davis gave notice that at an early day he would introduce a bill to amend chapter 19, of the R. S. Nebraska, entitled, Fees.

Mr. Majors gave notice that at an early day he would introduce a bill to apportion the members of the Senate and House of Representatives.

Mr. Hascall asked and obtained leave to introduce S. No. 25, An act appropriating money to satisfy the claim of Dr. Philip O'Hanlon, for money expended by him in promoting Immigration to Nebraska, which was read the first time.

Mr. Doom asked and obtained leave to introduce S. No. 26, An act to provide for the protection of stock from contagious diseases, which was read the first time.

Mr. Sheldon introduced S. No. 27, An act to amend section 15, of chapter 48, of the R. S. Nebraska, entitled, Schools, which was read the first time.

Mr. Majors introduced S. No. 28, An act to locate, establish and endow a State Normal School, which was read the first time.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
May 29, 1867.

Mr. President:

I am instructed to inform the Senate that the House has changed the time appointed for the oration by Hon. James M. Woolworth, from Saturday.

at two o'clock, P. M., to Friday next at 12 meridian, and the Senate are invited to meet with the House at the time thus designated.

The House has adopted the following concurrent resolution, in which I am directed to ask the concurrence of the Senate:

Resolved, the Senate concurring, That the State Auditor be requested to ascertain from the Secretary of the Interior, and report to this House the amount of school lands that have been preempted by individuals, also the amount selected and confirmed by the department in lieu thereof, together with the numbers of the same.

JOHN S. BOWEN, *Chief Clerk.*

S. No. 24, An act to amend an act, approved February 8, 1867, entitled, An act to revise and consolidate the several acts relative to the City of Omaha, and for other purposes, approved February 11, 1865, was read the second time.

On motion of Mr. Patrick, was referred to the Douglas County delegation.

On motion of Mr. Doom, by unanimous consent, the rules were suspended, and the following bills were read the second time by their titles, and referred to their appropriate Committees.

H. No. 12, An act to authorize the Governor to appoint as many Commissioners of Deeds as he deems expedient.

Referred to the Judiciary Committee.

H. No. 13, An act providing for special terms of the District Court.

Referred to the Judiciary Committee.

H. No. 17, Joint resolution, authorizing the Auditor to make temporary arrangements for the payment of mileage and *per diem*.

Referred to Committee on Expenditures.

H. No. 20, Joint resolution, directing the Auditor to inquire into the validity of preemption of school lands.

Referred to the Committee on Education.

On motion of Mr. Doom, the Senate proceeded to consider the report of the Committee of the whole, made on yesterday.

Mr. Presson moved to read S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, section by section, which was agreed to.

Mr. Presson moved to amend section 1, seventh line, by striking out the word "ten," and inserting the word "one."

Mr. Reeves moved to amend the amendment by striking out the whole section, which was disagreed to.

The question recurring upon the original motion to amend, was put, and agreed to.

Mr. Doom moved the adoption of section 2, as reported by the Committee.

On motion of Mr. Wardell, a call of the House was ordered.

Absent—Mr. Patrick.

On motion of Mr. Doom, the Sergeant-at-Arms was dispatched after the absentee.

The Sergeant-at-Arms appeared and reported Mr. Patrick present.

On motion of Mr. Wardell, all further proceedings under the call were dispensed with.

On motion of Mr. Doom, sections 3d and 4th were adopted, as amended by the Committee.

Mr. Wardell moved to amend section 2d by inserting "until the next general election, or until his successor shall qualify," in lieu of "during the unexpired term of the office to which he shall have been appointed, which, after debate, was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—Messrs. Davis and Majors—2.

Mr. Presson gave notice that he would move a reconsideration of the vote.

On motion of Mr. Patrick, Hon. T. W. Tipton, U. S. Senator, was invited within the bar.

Mr. Wardell moved to reconsider the vote by which the amendment was adopted, and to lay the motion on the table, which was decided in the affirmative, as follows :

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Patrick, Reeves, Sheldon, Wardell and Mr. President—9.

For the negative—Messrs. Davis, Holden, Majors and Presson—4.

Mr. Presson moved the bill be indefinitely postponed, which was disagreed to.

On motion of Mr. Doom, the report of the Committee of the Whole was adopted, relative to the remaining sections of the bill, and ordered that the bill be engrossed for third reading to-morrow.

On motion of Mr. Presson, ordered that S. No. 18, An act to define the boundaries of Judicial Districts, and to assign Justices to the same, be read, section by section.

Mr. Presson moved to amend section 1st, by inserting after the word "Knuckles," the words "Lincoln and Kearney;" which was decided in the negative, as follows :

For the affirmative—Messrs. Holden, Majors, Presson, Reeves and Wardell—5.

For the negative—Messrs. Baird, Doom, Freeman, Hascall, Patrick, Sheldon and Mr. President—7.

On motion of Mr. Davis, the report of the Committee of the whole was adopted.

On motion of Mr. Sheldon, the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Senate met at 2 o'clock, P. M.

Called to order.

On motion of Mr. Presson, the concurrent resolution, submitted in the morning, was considered, by unanimous consent.

On motion of Mr. Doom, was amended and adopted, to read as follows, viz :

Resolved by the Senate of the State of Nebraska, the House concurring,
That his Excellency, David Butler, Governor, is hereby authorized and requested, after selecting the saline lands, to immediately select all other lands donated to the State of Nebraska by the U. S. Government.

On motion of Mr. Doom, the report of the Committee of the whole, upon the following bills, was adopted, and the bills ordered engrossed for third reading:

S. No. 17, An act to abolish the distinctions between actions at law, and suits in equity, to amend section 87 of the code of civil procedure, title 6, entitled, Joinder in action, and to repeal title 24 of the code of civil procedure, entitled, Chancery.

S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court.

On motion of Mr. Doom, the rules were suspended by unanimous consent, for the purpose of considering bills on third reading.

S. No. 2, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Majors, Presson, Reeves, Sheldon, Patrick, Wardell and Mr. President—12.

For the negative—none.

S. No. 12, An act to provide for the election of Road Supervisors, and to further define their duties, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Majors, Patrick, Presson, Sheldon, Reeves and Wardell—11.

For the negative—none.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the whole, bills reported from Standing Committees.

On motion, the Committee rose and reported S. No. 15, An act to amend chapter 46, part first, of the R. S. Nebraska, entitled, Revenue, with sundry amendments, to be engrossed for third reading.

S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, approved February 12th, 1867, that it lie over until to-morrow for further consideration.

H. No. 1, An act to provide for the prosecution of causes pending, and for enforcing judgments, orders and decrees, rendered in the Courts of the late Territory of Nebraska, that it be indefinitely postponed.

H. No. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court, with amendments, to be engrossed for third reading.

On motion of Mr. Doom, the report was adopted.

The following message was received from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 7, An act relating to the Judiciary, in which I am instructed to ask the concurrence of the Senate.

The following communication was received from the Secretary of State:

Gentlemen of the Senate:

In response to a resolution of inquiry, directed to this office, requesting the Secretary of State, as soon as practicable, to furnish the Senate with all information in his power, relative to the financial condition of the State; also, all labor performed, or material furnished, the manner or form of advertising, letting the contracts for the State, together with the reasons for rejecting any or all bids for the same, I transmit to your honorable body the following facts:

On coming into my office, I found it entirely impossible to move in any thing, without having some incidental printing done; and, as there was no law governing the advertising and letting this printing, I declined to take the responsibility of advertising and letting a contract, and attempting to bind the State, but made arrangements with the Omaha Republican office to do what printing might be necessary in putting the State machinery in motion, in connection with my office, and that of the Executive, without any contract whatever, but leaving the parties to seek payment for the same at the hands of the Legislature.

In pursuance of this understanding, there has been considerable printing done, and I submit, that the said parties will probably bring a bill before your honorable body, seeking payment for the same, by appropriation, at which time it will give me great pleasure to give any further information in my power.

In the matter of stationery, I submit that I called on three houses, and submitted a memorandum, and asked each to make a bid from which I might select stationery for the State. They each sent into my office a price list. I selected items from each list, and sent my orders to all three of the houses. Two of them declined to fill the orders awarded to them, one because I had not the money to pay, and the other house declined to furnish a portion of the bill.

Under that arrangement I have purchased, up to this time, of S. C. Abbott & Co., to the amount of two hundred and seventy dollars, for the use of the Legislature, and this office.

It may not be amiss for me to allude to another subject, that has heretofore devolved upon this office, to wit: the employment of a Janitor of the Capitol, for which the United States paid \$400.00 per annum. There being no law upon the subject, I have been under the necessity of employing a man to look after the grounds, and keep in order the building. For this purpose I have employed S. D. Beals, but without contract as to wages, trusting that the Legislature would make provisions for reasonable compensation.

I have also purchased chairs for Senate Chamber, of Dewey, Trimble & Co.,	\$40.00
Paid for cleaning and repairing,	41.00
Coal oil, Kennard Bro's,	9.00
Matches, J. J. Brown,	2.00

Your obedient servant,

THOS. P. KENNARD,

Secretary of State.

Gentlemen of the Senate:

In reply to a resolution addressed to this office, making inquiry whether the proceedings of the first Legislature of the State have been journalized and published, and if not, what measures have been taken to publish the same.

I submit to your honorable body, that the original journals of said proceedings are on file in this office, but that no steps have been taken towards the publication of the same.

Your obedient servant,

THOS. P. KENNARD,

Secretary of State.

On motion of Mr. Presson, the Senate adopted the concurrent resolution of the House, to wit:

Resolved by the House of Representatives, the Senate concurring, That the State Auditor be requested to ascertain from the Secretary of the Interior, and report to this House, the amount of school lands that have been preempted by individuals, also the amount selected and confirmed by the department in lieu thereof, together with the numbers of the same.

On motion of Mr. Holden, the Senate adjourned.

SENATE CHAMBER,
Thursday, May 30, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

The following communication was received from the Auditor.

OFFICE STATE AUDITOR,
Omaha, May 28, 1867. }

Hon. E. H. Rogers, President of the Senate:

SIR: in conformity with resolution of Senate, adopted May 22d, 1867, requesting the Governor, Auditor and Secretary of State, to report to the Legislature the amount of property of each kind, transferred by the Territo-

rial officers, to the State of Nebraska, I have the honor to report the following :

Two (2) desks in the Auditor's office.

Fuel, stationery, books and blanks on hand in office.

The stove and carpet used in Auditors office, belonging to the General Government, which has never been purchased, or formally transferred to the State.

Very respectfully your obedient servant,

JOHN GILLESPIE, *State Auditor.*

Hon. E. H. Rogers, President of the Senate:

SIR: In conformity with resolution of Senate, adopted May 24th, 1867, requiring the Secretary and Auditor of State, to furnish the Senate with any and all the information in their power, relative to the financial condition of the State, all expenditures for labor performed, and material furnished, the manner and form of advertising and letting all contracts for the same, the reasons for accepting or rejecting any or all bids, also all the information relating to the same subject matter, necessary to a complete understanding of the same, &c.

I have the honor to report the following, viz: *First,*

Cash on hand in Treasury, May 1, 1867 - - - - -	\$31,933 05
Cash paid in since, (General Fund) - - - - -	\$4,500 00
Cash paid in since, (Sinking Fund) - - - - -	\$2,678 21
	<u>\$1,178 21</u>

Total - - - - -	\$31,111 26
Amount still due on taxes, for 1866, from the Treasurers of the several Counties:	
General Fund - - - - -	\$40,089 70
Sinking Fund - - - - -	\$24,075 61

Total - - - - -	\$64,165 31
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There is still due from the Government, on the appropriation of forty-five thousand dollars for militia expenses, seventeen thousand dollars, and I would most respectfully request of your honorable body, some action be taken to secure the adjustment of that amount to the State, by designating some one specially to attend to it.

Second, There has been no expenditure for labor or material in this office, except the sawing of wood, purchased for use of State, since March 1st.

Third, The manner of advertising and letting all contracts for the printing and binding of books and blanks, necessary for the collection of State revenue, by this office, have been as follows:

Under the provisions of section 87 Revised Statutes, entitled, Revenue, I have advertised, by inviting bids from the several newspapers of the State, (sending them a sample of all blanks required to be printed), for the whole or a part of the work. The bids for the several books necessary, have been sent to the several book publishers of the City of Council Bluffs, and Des Moines, Iowa, Chicago and New York, and the contract awarded to the lowest bidder, reserving the right to reject any and all bids, if considered too high.

Fourth, I have not advertised for the printing of books and blanks neces-

sary for 1867, but was awaiting at your hands the re-passage of a law, amendatory to the revenue law, which was passed at the last session, but not approved by the Governor, which repeals some of the cumbersome forms, and prove a saving to the State.

Very respectfully, your obedient servant,

JOHN GILLESPIE, *State Auditor.*

Mr. Davis presented a petition from citizens of Washington County, relative to a road from Cumming City, to Fremont, Dodge County, which was referred to Committee on Highways.

Mr. Davis, from Committee on Education, reported H. No. 20, An act directing the Auditor to inquire into the validity of pre-emption of school lands, without amendment.

Also, from the same Committee, Sub. S. No. 3, An act to authorize school districts to levy taxes for the erection of school houses, with amendments.

Mr. Hascall, from the Douglas County delegation, to whom was referred S. No. 24, An act to amend an act, approved February 8th, 1867, entitled, An act to amend section 1st of an act to revise and consolidate the several acts relative to the City of Omaha, and for other purposes, approved February 11th, 1865, made the following report:

Mr. President:

Your Special Committee, to whom was referred S. No. 24, beg leave to report that they have considered the same, and recommend that the introducer of the bill be allowed to withdraw the same, and for that purpose your Special Committee report said bill back to the Senate.

Mr. Reeves, from the Committee, reported the following bills as correctly engrossed:

S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court.

S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity.

S. No. 18, An act to define the boundaries of the Judicial districts, and to assign Justices to the same.

H. No. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court.

Mr. Freeman submitted the following resolution:

Resolved, That the Committee on Finance be, and they are hereby instructed to prepare at the earliest moment practicable, a bill to provide for the publication of the Journals of the first session of the Legislature of the State of Nebraska, and report the same to this body for action.

Mr. Davis gave notice that at an early day he would introduce a bill to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun, in Washington County, Nebraska.

Mr. Baird gave notice that at an early day he would introduce a bill to locate

a State Road from Covington, Dakota County, to terminate at or near Columbus.

Mr. Presson gave notice that at an early day he would introduce a bill to permanently locate the public buildings of the State of Nebraska.

Mr. Hascall gave notice that he would at an early day introduce a bill to locate certain public buildings of the State of Nebraska.

Mr. Majors introduced S. No. 29, An act to apportion the members of the Senate and the House of Representatives, which was read the first time.

Mr. Doom introduced S. No. 30, An act to locate the Penitentiary of the State of Nebraska, which was read the first time.

Mr. Freeman introduced S. No. 31, An act to encourage immigration to Nebraska; which was read the first time.

The following message was received from the Governor, by Mr. Gere, private Secretary.

EXECUTIVE OFFICE,
May, 30th, 1867.

Mr. President:

The Governor directs me to transmit to your Honorable body, an attested copy of a resolution of Congress proposing to the Legislatures of the several States, a fourteenth article to the Constitution of the United States.

C. H. GERE, *Private Secretary.*

Mr. Doom moved the rules be suspended that bills on second reading might be read by their titles, which was decided in the negative, as follows:

For the affirmative, Messrs. Davis, Doom, Hascall, Majors, Sheldon—6.

For negative, Messrs. Freeman, Holden, Presson, Reeves and Wardell—5.

S. No. 25, An act appropriating money to satisfy the claims of Dr. Philip O'Hanlon, for moneys expended by him in promoting immigration to Nebraska, was read the second time.

Mr. Hascall moved the bill be referred to the Committee on expenditures.

Mr. Wardell amended by substituting in lieu of "Expenditures," Finance Ways and Means, which was agreed to.

Original notice as amended, agreed to.

S. No. 26, An act to provide for the protection of stock from contagious diseases, was read the second time.

Mr. Sheldon moved to refer the bill to the Committee on Finance.

Mr. Doom amended by substituting in lieu of "Finance," Agriculture, which was decided in the affirmative.

Original notice amended, agreed to.

S. No. 29, An act to amend section 15, chapter 48, of the R. S. Nebraska, entitled Schools, was read the second time, and referred to the Committee on Education.

S. No. 28, An act to locate, establish and endow a State Normal School.

Mr. Presson moved the rules be suspended, and the bill read the second time by its title, which was decided in the negative, as follows:

For the affirmative Messrs. Davis, Hascall, Holden, Majors, Presson and Sheldon—6.

For the negative, Messrs. Baird, Doom, Freeman, Reeves and Wardell—5.

The bill was read the second time, and referred to the Committee on Education.

On motion of Mr. Patrick, the Senate proceeded to consider in Committee of the Whole, bills reported from Committees, Mr. Davis in the chair.

On motion of Mr. Hascall, the Committee rose and reported S. No. 14, An act to provide for the Public Printing, and the distribution of Statutes and other public documents, that it be indefinitely postponed.

S. No. 22, An act to provide for State Printing, with sundry amendments, to be engrossed for third reading.

On motion of Mr. Doom, the report was adopted.

S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Doom, Hascall, Holden, Majors, Patrick, Sheldon and Mr. President—8.

For the Negative, Mr. Presson—1.

S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court, was read the third time.

On motion of Mr. Reeves, by unanimous consent, the following Section, (Section 6,) was added to the bill:

Section 6, This act shall take effect and be in force from and after its passage.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—13.

S. No. 18, An act to define the boundaries of the Judicial Districts and to assign Justices to the same; was read the third time.

The President put the question, "shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Sheldon and Mr. President—11.

For the negative, Messrs. Reeves and Wardell—2.

S. No. 17, An act to amend the code of Civil Procedure, by abolishing the distinctions between actions at law, and suits in equity, which was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Wardell and Mr. President—10.

For the negative, Messrs. Patrick and Presson—2.

H. No. 1, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court, was read the third time.

FRIDAY, MAY 31, 1867.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Doom, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER;
Friday, May 31, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the following titles, viz:

S. No. 5, An act to provide for copying the records of Washington County, so far as they affect the title to real estate attached to Dodge County, at the 12th session of the Territorial Legislature, without amendment.

S. No. 1, An act to require the Secretary to contract for certain printing, without sundry amendments, in which I am directed to ask the concurrence of the Senate.

H. No. 16, An act to regulate pardons.

H. No. 30, An act to locate a State Road from the North East corner of Section 8, Town 14, Range 11, in Douglas County, to the point on the State Road from Forest City in Sarpy County, to the South line of Washington County, where said road intersects the boundary line between Sarpy and Douglas Counties, in which I am directed to ask the concurrence of the Senate.

On motion of Mr. Doom, the attested copy of the resolution of Congress proposing to the Legislatures of the several States, a fourteenth article to the Constitution of the United States, was read and referred to the Committee on Federal Relations.

Mr. Doom from the Judiciary Committee, reported S. No. 16, An act, to provide for the election of District Attorneys, and to define their duties, without amendment.

H. No. 12, An act to authorize the Governor to appoint as many Commissioners of Deeds as he deems expedient, that it be indefinitely postponed.

H. No. 13, An act providing special terms of the District Court, that it be indefinitely postponed.

Mr. Holden, from the Committee on Expenditures, reported H. No. 17,

joint resolution to authorize the Auditor to make temporary arrangements for the payment of mileage and *per diem*, without amendment.

A message from the Governor, by Mr. Gere, Private Secretary.

Mr. President:

The Governor directs me to inform your honorable body, that, in response to a telegraphic dispatch sent to the Secretary of the Interior, in conformity with a joint resolution of the Senate and House of Representatives of Nebraska, requesting the withdrawal of all public lands in the State from the market, he has received the following telegram:

WASHINGTON, D. C.,

May 30, 1867.

TO HIS EXCELLENCY, D. BUTLER, Governor of Nebraska:

The Department has received your telegram of yesterday, but has no authority to comply with the request therein contained.

[Signed,]

W. S. OTTO, Acting Secretary.

Mr. Hascall submitted the following resolution, and moved a suspension of the rules for its consideration, which was disagreed to, three-fourths of the members not voting, therefore:

Resolved, That the Secretary of State be, and he is hereby directed to allow Redfield Brothers, Job, Printers; and the German Printing Establishment on 12th Street, in Omaha, and other printing establishments, that have the facilities for doing State Printing, to compete for all public printing to be performed for the State prior to the letting of the contracts for State Printing under the laws about to be enacted relating to the same.

The resolution submitted yesterday by Mr. Freeman, on motion of Mr. Freeman, was amended by inserting the words "and second," and adopted, which reads as follows:

Resolved, That the Committee on Finance, Ways and Means, be, and they are hereby instructed to prepare a bill at the earliest practicable moment, to provide for the publication of the Journals of the first and second sessions of the Legislature of the State of Nebraska, and report the same to this body for action.

Mr. Sheldon gave notice that he would at an early day, introduce a bill to increase the bonds of the Treasurer of the State.

Mr. Baird gave notice that he would at an early day, introduce a bill to define the Senatorial Districts and apportion Senators.

Mr. Doom from the Judiciary Committee, introduced S. No. 32, An act to amend section 525, of the code of civil procedure, relating to homesteads, which was read the first time.

On motion of Mr. Doom, the rules were suspended by unanimous consent, and the bill read the second time by its title, and referred to the Committee of the Whole.

Mr. Davis introduced S. No. 33, An act to vacate certain portions of the

Calhoun City Company's addition to Fort Calhoun, which was read the first time.

H. No. 16, An act relating to pardons, was read the first time.

H. No. 30, An act to locate a State road from the north east corner of section 8, town 14, range 11, in Douglas County, to the point on the State road from Forest City, in Sarpy County, to the south line of Washington County, where said road intersects the boundary line between Sarpy and Douglas Counties, was read the first time.

H. No. 7, An act relating to the Judiciary, was read the second time and referred to the Judiciary Committee.

S. No. 29, An act to apportion the members of the Senate and House of Representatives, was read the second time and referred to the Committee on Elections.

S. No. 30, An act to locate the Penitentiary of the State of Nebraska, was read the second time and referred to the Committee on Public Buildings.

A Committee from the House appeared and invited the Senators to attend in the House of Representatives, at the hour of 12 o'clock, M. and listen to an oration to be delivered by the Hon. James M. Woolworth, upon the Life and Public Services of the lamented late Chief Justice of Nebraska, William A. Little.

On motion of Mr. Freeman, the Senate proceeded to consider in Committee of the Whole, bills reported from Committees, Mr. Patrick as Chairman.

On motion the Committee rose and reported S. No. 32, An act to amend section 525, of the code of civil procedure, relating to homesteads, without amendment.

S. No. 19, An act to amend an act relating to an act to incorporate Falls City, in Richardson County, approved February 12th, 1867, with sundry amendments, to be engrossed for third reading.

H. No. 20, Joint resolution directing the Auditor to enquire into the validity of pre-emption of school lands, that it lie upon the table.

S. No. 24, An act to amend an act, approved February 8th, 1867, entitled An act to amend section 1 of an act, entitled, An act to revise and consolidate the several acts relative to the city of Omaha, and for other purposes, approved February 11th, 1865, to adopt the report of the special Committee, that the introducer of the bill be allowed to withdraw the same.

Sub. S. No. 3, An act to authorize school districts to levy taxes for the erection of School houses, that it lie upon the table.

Report adopted.

The hour of 12 o'clock M. having arrived, on motion of Mr. Doom, the Senate proceeded to the hall of the House of Representatives, to listen to the oration of the Honorable James M. Woolworth.

JOINT CONVENTION.

On motion of Mr. Fuller, Honorable James M. Woolworth was invited to

the stand, when he delivered an Oration upon the Life and Public Services of the late Chief Justice of Nebraska, William A. Little.

On motion of Mr. Griffin, the Convention tendered thanks to Honorable James M. Woolworth, in consideration of the very able address, and requested him to furnish a copy of the same for publication.

On motion of Mr. Presson, the Convention adjourned.

The Senate proceeded to the Senate Chamber, was called to order, and on motion of Mr. Davis, took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Called to order.

On motion of Mr. Davis, the Senate proceeded to consider, in Committee of the Whole, bills reported from Committees, Mr. Hascall as Chairman.

S. No. 31, An act to encourage immigration to Nebraska, was reported back to the Senate, with the recommendation that it lie upon the table.

H. No. 17, Joint resolution, to authorize the Auditor to make temporary arrangements for the payment of mileage and *per diem*, that it pass to third reading to-day.

On motion of Mr. Davis, the report was adopted.

Mr. Reeves, from the Committee, reported S. No. 15, An act to amend chapter 46, part first, of the R. S. Nebraska, entitled, Revenue, as correctly engrossed.

S. No. 15, An act to amend chapter 46, part first, of the R. S. Nebraska, entitled, Revenue, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Patrick, Presson, Reeves, Wardell and Mr. President—11.

For the negative, none.

H. No. 17, Joint resolution, to authorize the Auditor to make temporary arrangements for the payment of mileage and *per diem*, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Holden, Patrick, Presson and Mr. President—7.

For the negative, Messrs. Freeman, Hascall, Reeves and Wardell—4.

On motion of Mr. Doom,

Resolved, That the Senate now concur in the amendments of the House, to S. No. 1, An act to require the Secretary to contract for certain printing, as follows:

For concurrence, Mr. Patrick—1.

For non-concurrence, Messrs. Baird, Davis, Doom, Hascall, Holden, Presson, Reeves and Wardell—8.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the Senate, of the following title, viz:
S. No. 9, An act to amend section 75 of chapter 25, entitled, Incorporations, without amendment.

The House has adopted the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, That a Joint Committee of five on the part of the House, and three on the part of the Senate, be appointed to welcome, on their arrival, and tender the hospitalities of the State of Nebraska to the party of United States Senators now on their way hither.

Messrs. Crawford, Harvey, Frost, Hoile and Wiles have been appointed said Committee, on the part of the House.

In which I am directed to ask the concurrence of the Senate.

Mr. Presson moved a suspension of the rules, and the Senate proceed to the consideration of the resolution, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Hascall, Holden, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative, Mr. Freeman—1.

On motion of Mr. Presson, the resolution was adopted.

Messrs. Patrick, Doom and Majors were appointed as the Committee on the part of the Senate.

On motion of Mr. Doom, by unanimous consent, Mr. Sheldon obtained leave of absence until Monday, 9 o'clock, A. M.

On motion of Mr. Davis, the Senate adjourned.

SENATE CHAMBER,
Saturday, June 1, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Holden, from the Committee on Agriculture, reported S. No. 26, An act to provide for the protection of stock, from contagious diseases, without amendment.

Mr. Reeves, from the Joint Committee on enrolled bills, presented S. No. 5, An act to provide for the copying of the records of Washington County, so far as they affect the title to real estate attached to Dodge County, at the 12th session of the Territorial Legislature, when the President signed the same.

Mr. President:

Your Committee on Education, to whom was referred the following resolution, to wit:

Resolved, That the Committee on Education be instructed to inquire into the expediency of disposing, by lease, of the school lands, of providing for the disposal of the revenue arising from the lands so disposed of, and to report by bill or otherwise.

Having had the same under consideration, and believing that the citizen voters of each precinct or township, having the greatest interest in the success of the educational interest of the same, are the parties most eminently fitted to decide with honesty of purpose, they alone being the parties who are to be benefitted or injured by the adoption of measures, wise or unwise, in relation thereto.

We therefore recommend the following as amendatory to S. No. 13 as introduced by Mr. Doom, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same, which will allow the majority of the voters of each township to decide whether it will advance the educational interests most to lease, or sell the same, and to govern themselves accordingly, by inserting the following provisions in their proper sections:

A majority of Electors in any Congressional Township may petition the County Commissioners' Court to lease their sixteenth and thirty-sixth sections, or any other lands selected under warrant of law in lieu thereof.

Notice of such intended petition shall be given by at least four written or printed handbills, signed by a householder, and put up in public places in the township, or by advertisements in a newspaper, published in the County, at least twenty days before the petition is to be presented to the County Commissioners' Court, and ten days before such petition shall be presented to such householder.

The said County Commissioners' Court, when such petition is presented and publicly read, and upon proof of notice having been given as required by this preceding section, if it is satisfied that a majority of the householders of the township are in favor of leasing such school lands, shall make an order, a copy of which shall be furnished to each School District in said township, by delivering the same to any officer of said School District, directing the——to lease the same in lots of not less than——for a period, if unimproved, not exceeding——years, and if improved, not exceeding——years.

Leases made in pursuance of this act, shall set forth the lands let, by notes and bounds, the time and duration of the lease, the rents reserved, and shall specify particularly the improvements, if any, to be made, and contain proper covenants for the payment of the rent reserved, making the specified improvements, and that such lessee shall not cut down, injure or destroy any timber upon premises let, other than what shall be necessary for fire wood, making the specified improvements, or if the premises contain mineral, carrying on the mining and smelting business, that said lessee will not commit, or suffer to be committed, any waste, spoilation or destruction of the buildings or fences which may at any time be erected on such premises, and that he will at the

end of his term, or other sooner termination thereof, yield up the premises in good repair, with such other covenants as the nature of the contract may require, and reserving to the—the right to re-enter at any time for a breach of any covenant contained in said lease.

No lease shall take effect until it shall be approved by the County Commissioners' Court, or a majority of the Commissioners thereof in vacation, and when so approved, shall be deposited in the office of the County Clerk of said County, and which shall be by said Clerk, duly filed and recorded.

The County Commissioners' Court, upon a breach, by the lessee, of any covenant or covenants contained in the lease, shall notify the lessee to yield up the possession of the demised premises, and if such lessee shall neglect or refuse so to do, for the period of ten days after he shall be notified as aforesaid, the—shall proceed against him, and obtain restitution in the same manner, and with like effect, as in other cases of tenants holding over.

This act shall take effect and be in force, from and after its passage.

All of which is most respectfully submitted, and your said Committee ask to be discharged from further consideration of the same.

JOHN T. DAVIS,

W. W. WARDELL,

O. HOLDEN.

The resolution submitted yesterday by Mr. Hascall, was, on motion of Mr. Hascall, amended to read as follows:

Resolved, That the Secretary of State be, and he is hereby directed to allow printing establishments that have facilities to perform State printing, to compete for all public printing to be performed for the State, prior to the letting of the contracts for State printing under the laws about to be enacted relating to the same.

The President put the question, whether the Senate would agree to said resolution, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves and Wardell—9.

For the negative, Mr. Davis—1.

Mr. Wardell submitted the following:

Resolved, That the Committee on Incorporations be, and they are hereby instructed to report, at their earliest convenience, by bill or otherwise, any amendments to the general incorporation law of the State, which in their judgment may be necessary to render the same perfect and complete in its operations.

On motion of Mr. Hascall, the rules were suspended by a three-fourths vote of the Senate, and the resolution adopted.

On motion of Mr. Presson, Hon's John Covode, M. C., and U. S. Senators Lyman Trumbull and Timothy O. Howe, were invited within the bar of the Senate.

On motion of Mr. Patrick, the Senate took a recess for fifteen minutes.
AFTER RECESS.

Being called to order, Mr. Presson gave notice that he would at an early day introduce a bill to locate the Seat of Government of the State of Nebraska.

Also, of a bill to provide for the erection of the public buildings of the State of Nebraska.

Mr. Majors submitted a proposition by the Trustees of the Peru Seminary and College, tendering to the State, for Normal School purposes, the buildings and grounds, belonging to said Seminary and College, which was read and referred to the Committee on Education.

Mr. Doom asked and obtained leave, by unanimous consent, to introduce the following bills, which were read the first time, and under a suspension of the rules by unanimous consent, were read the second time, and referred to the Judicial Committee.

S. No. 34, An act to define the duties of State Librarian.

S. No. 35, An act to define the duties of the Secretary of State.

H. No. 30, An act to locate a State road from the north-east corner of section 8, town 14, range 11, in Douglas County, to the point on the State road from Forest City, in Sarpy County, to the south line of Washington County, where said road intersects the boundary line between Sarpy and Douglas Counties, was read the second time, and referred to a Special Committee, consisting of the Douglas and Sarpy County Delegations.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 44, Joint resolution of thanks to the Smithsonian Institute, in which I am directed to ask the concurrence of the Senate.

H. No. 16, An act relating to pardons, was read the second time, and referred to the Judiciary Committee.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the Whole, bills reported from Committees, Mr. Reeves as Chairman.

On motion, the Committee rose and reported the following bills to the Senate:

H. No. 12, An act to authorize the Governor to appoint as many Commissioners of Deeds as he deems expedient, that it be indefinitely postponed.

H. No. 13, An act providing for special terms of the District Court, that it be indefinitely postponed.

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties, with sundry amendments, to be engrossed for third reading.

Report received.

On motion of Mr. Presson, ordered, H. No. 12 and 13, that they lie on the table.

Mr. Reeves moved, as an amendment to S. No. 16, the following:

Provided that the office of Prosecuting Attorney, in the Counties of Douglas and Otse shall not be abolished until the 1st day of November, 1867.

Amendment adopted.

On motion of Mr. Presson, the report of the Committee was adopted, and the bill ordered engrossed for third reading.

Mr. Reeves, from the Committee, reported S. No. 5, An act to provide for copying the records of Washington County, so far as they affect the title to real estate, attached to Dodge County at the 12th session of the Territorial Legislature, enrolled, and that the same was presented to the Governor for his signature; at ten minutes before 12 o'clock, M.

MILLS, S. REEVES.

Mr. Patrick submitted the following resolution, which was, by unanimous consent, considered and adopted.

Resolved, That the President appoint a Committee of three, on the part of the Senate, to act in conjunction with a Committee of five on the part of the House, and like Committee on the part of the citizens of Omaha, to make arrangements for a banquet to be given to the United States Senators, and members of the House of Representatives, now on a visit to this State.

Messrs. Patrick, Majors and Presson, were appointed said Committee.

S. No. 32, An act to amend section 525 of the code of civil procedure relating to homesteads, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Patrick Presson, Reeves and Wardell—9.

For the negative, Messrs. Freeman, Majors and Mr. President—3.

Upon request, by unanimous consent, the President obtained leave of absence, until Tuesday, June 4th.

On motion of Mr. Doom, the Senate proceeded to the election of President, *pro tem*.

Upon nomination, by Mr. Freeman, Mr. Reeves was unanimously elected President, *pro tem*.

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,

Monday, June 3, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called:

Journal read and approved.

Mr. Holden, from the Committee, reported S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, correctly engrossed.

Mr. Davis, from the Special Committee, to whom was referred S. No. 33,

An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun, reported a substitute to said bill, recommending its adoption and passage.

The following message was received from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska.

In which I am directed to ask the concurrence of the Senate.

Mr. Doom asked and obtained leave to introduce the following bills, which were read the first time:

S. No. 36, An act to require the payment of certain costs upon the commencement of suits, in the District, or Supreme Court.

S. No. 37, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and alimony.

S. No. 39, An act to prescribe the fees of certain officers.

S. No. 40, An act to repeal section 34 of chapter 19, of the R. S. Nebraska.

Mr. Baird introduced S. No. 41, An act to define Senatorial and Representative Districts, and apportion Senators and Representatives, which was read the first time.

Mr. Davis asked and obtained leave to introduce S. No. 38, An act to give the complaining witness one-half of all fines collected, in cases of misdemeanors, which was read the first time.

Mr. Patrick asked and obtained leave to introduce S. No. 42, Joint resolution, upon adjournment, which was read the first time.

H. No. 44, Joint resolution of thanks to the Smithsonian Institute, was read the first time.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the concurrent resolution of the Senate, in reference to the reception of United States Senators and Representatives, and Messrs. Frost, Woolworth, Bennet, Daily and Rockwell, have been appointed the Committee on the part of the House.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the Whole, S. No. 26, An act to provide for the protection of stock from contagious diseases, Mr. Patrick as Chairman.

On motion, the Committee rose and reported the bill, without amendment, to be engrossed.

A message from the Governor, by Mr. Gere, private Secretary.

EXECUTIVE OFFICE

June 3, 1867.

Mr. President:

The Governor directs me to notify your honorable body, that he has this

day approved and signed an act, entitled, An act to provide for copying the records of Washington County, so far as they affect the title to real estate attached to Dodge County, at the 12th session of the Territorial Legislature.

W. C. H. GERR, Private Secretary.

S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, approved February 12th, 1867; was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Patrick, Presson, Reeves and Wardell—10.

For the negative—none.

On motion of Mr. Freeman, the Senate adjourned.

SENATE CHAMBER,

Tuesday, June 4, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Reeves, from the Committee, reported the following bills correctly engrossed.

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties.

S. No. 22, An act to provide for State Printing.

Mr. Majors introduced S. No. 43, An act to provide for the Registration of the Voters of the State, which was read the first time.

Mr. Presson introduced S. No. 44, An act to provide for the location of the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat, which was read the first time.

Mr. Hascall introduced S. No. 45, An act to locate the Capitol, State University and Agricultural College, which was read the first time.

Mr. Baird asked, and obtained leave to introduce S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, Nebraska, which was read the first time.

Mr. Majors moved that the rules be suspended, and S. No. 44, 45 and 46, be read the second time by their titles, and referred to their appropriate Committees.

Mr. Hascall moved the bills be ordered printed.

Mr. Presson moved to amend by inserting, "that the Secretary of the Senate furnish copies of S. No. 44 and 45 to be printed."

Amendment lost.

Motion of Mr. Hascall disagreed to.

The question upon the suspension of the rules was decided in the negative, as follows:

For the affirmative, Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

For the negative, Messrs. Freeman, Hascall, Patrick and Mr. President—4.

H. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, was read the first time.

Mr. Majors moved the rules be suspended, the bill read the second time, and referred to the Committee of the whole, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Majors and Presson—7.

For the negative, Messrs. Freeman, Reeves, Sheldon and Wardell—4.

S. No. 42, Joint resolution upon adjournment, was read the second time.

S. No. 41, An act to define Senatorial and Representative Districts, and apportion Senators and Representatives, was read the second time.

Mr. Hascall moved the bill be ordered printed, which was disagreed to.

On motion of Mr. Doom, the bill was referred to the Committee on elections.

The following communication, and a sealed proposal relating to printing was received.

OFFICE OF THE SECRETARY OF STATE,

Omaha, June 4, 1867.

Gentlemen of the Senate:

At an early day of the session I reported to the Senate and also to the House my action in reference to the public printing, stating to each House that I had made temporary arrangements for the incidental printing until otherwise directed. Both Houses ratified my action by sending their printing direct to the printing house indicated in my report. The House of Representatives have given me no intimation of dissatisfaction, but have taken the control of their printing, and sent it direct to the said printing house.

I would submit for the consideration of the Senate, that I would not be justified under existing circumstances in attempting to control the House printing unless by their dictation.

Hence desiring to carry out the wishes of the Senate, as far as practicable, I inserted a notice in the Omaha Republican on Saturday, inviting bids for the incidental printing of the Senate, up to the 4th inst., Tuesday morning, 9 o'clock, and as there is no law authorizing me to make a contract binding the parties, and as I have informed your honorable body, that I had made arrangements to last until otherwise directed by the Senate. I herewith transmit to your honorable body, the bids unopened, which I have received in answer to said notice, and will await your direction in the matter, hoping and trusting that I may meet the wishes of the Senate, and served them in an acceptable manner.

I am respectfully, your obedient servant,

THOMAS P. KENNARD, Secretary of State.

On motion of Mr. Hascall, the sealed proposal was opened and read.

On motion of Mr. Hascall, ordered that the communication be placed upon the Journal, and the proposal for printing be returned to the Secretary of State.

S. No. 39, An act to prescribe the fees of certain officers, was read the second time and referred to the Committee on Expenditures.

S. No. 40, An act to repeal section 34 of chapter 19, of the R. S. of Nebraska,; was read the second time and referred to the Committee on Judiciary.

S. No. 38, An act to give the complaining witness one-half of fines collected in cases of misdemeanor, was read the second time, and referred to the Committee on Finance.

S. No. 37, An act to amend chapter 16, of the R. S. Nebraska, entitled, "Divorce and Alimony," was read the second time, and referred to the Judiciary Committee.

S. No. 36, An act to require payment of certain costs upon the commencement of suits in the District and Supreme Courts, was read the second time and referred to the Committee of the whole.

H. No. 44, Joint Resolution of thanks to the Smithsonian Institute, was read the second time, and referred to the Committee on Expenditures.

On motion of Mr. Reeves, S. No. 26, An act to provide for the protection of stock from contagious diseases, was indefinitely postponed as follows;

For affirmative, Messrs. Baird, Freeman, Hascall, Majors, Patrick, Reeves Sheldon and Wardell—8.

For the negative, Messrs. Davis, Doom, Holden and Presson—4.

On motion of Mr. Davis, the Senate proceeded to consider in Committee of the whole, bills reported from Committees, Mr. Davis as Chairman.

On motion of Mr. Doom, the Committee rose and reported S. No. 33, An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun, without amendment, to be engrossed for third reading.

Report adopted.

S. No. 36, An act to require the payment of certain costs upon the commencements of suits in the District and Supreme Courts, without amendments, to be engrossed for third reading.

Report adopted.

S. No. 42, Joint resolution upon adjournment, that it lie upon the table.

On motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,
Wednesday, June 5, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Reeves, from the Committee, reported the following bills correctly engrossed.

S. No. 33, An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun.

S. No. 36, An act to require the payment of certain costs, upon the commencement of suits, in the District and Supreme Court.

Mr. Holden, from the Committee on Expenditures, reported H. No. 44, Joint resolution of thanks to the Smithsonian Institute.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the following titles, viz:

H. No. 18, An act prescribing the duties of the Secretary of State.

H. No. 22, An act to amend section 23, chapter 19, of the R. S. Nebraska, entitled, Fees.

H. No. 37, An act to appoint a State Agent.

H. No. 41, An act to provide for procuring a seal of the State of Nebraska.

H. No. 42, An act to locate a State road in Washington and Douglas Counties.

In which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the Senate, of the following title, viz:

S. No. 12, An act to provide for the Election of Road Supervisors, and further define their duties, without amendment.

The House insists on its amendments, disagreed to by the Senate, to S. No. 1, An act to require the Secretary to contract for certain printing, and ask a conference on the disagreeing votes of the two Houses thereon, and have appointed Messrs. Crawford, Kelley and Haywood to be the Committee on the part of the House.

The House has agreed to the amendments of the Senate to H. No. 2, An act to regulate the prosecution of cases of original jurisdiction in the Supreme Court.

Mr. Doom, from the Judiciary Committee, reported S. No. 8, An act to define the duties and liabilities of R. R. Companies, with amendments, by way of a substitute

S. No. 37, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and alimony, without amendment.

H. No. 16, An act relating to pardons, without amendment.

S. No. 40, An act to repeal section 34 of chapter 19, of the R. S. Nebraska, without amendment.

S. No. 34, An act to define the duties of State Librarian, without amendment.

From the Select Committee, to whom was referred S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same, the following reports were submitted:

To the President and gentlemen of the Senate:

Your Special Committee, to whom was referred Senate bill No. 13, A bill to provide for the selection and sale of the common school lands, &c.,

having properly considered the same; a minority of same respectfully beg leave to submit this minority report:

Whilst we believe the general features of this bill to be correct, and fully admit the absolute necessity of a law in the main conforming to this, yet we think the following amendments would greatly increase the advantages to arise by the enactment of the same. We therefore recommend the following amendments, and that the bill, as so amended, do pass.

SEC. 2. In section two, first line, the words "four thousand" be struck out, and "five hundred" inserted in lieu thereof.

SEC. 3. Section three, third line, the word "ten" be stricken out, and "fifty" inserted in place thereof.

SEC. 10. First line, insert after the word "have," "purchased or made in good faith."

Second line, after the word "has," insert "such:"

Fifth line, after the word "the," strike out "advertisement," and insert "sale."

After the word "improvements," seventh line, add "purchased, or made in good faith."

Nineteenth line, strike out "claiming," and insert "so owning."

Twenty-fifth line, strike out "claiming," and insert "so owning."

SEC. 17. Second line, strike out the word "three," and insert "one."

Also, all of the following sentences, to wit:

"The County Clerks and Sheriffs, &c."

Fifth line, after "receive," insert "from purchaser." After "sum of," strike out "fifty cents," and insert "one dollar."

SEC. 18. Strike out "Land Commissioners," and insert "Secretary of State."

SEC. 19. Fifth line, strike out "six," and insert "ten," and before "annually," insert the word "sum."

SEC. 20. Second line, strike out "as," and insert "except as otherwise," and that "all," after the fourth line, shall be stricken out, in order that the funds hereof may be loaned at ten per cent, in place of six, as herein provided.

SEC. 21. Be so amended as to prevent the money passing through the County Treasurer's hands to State Treasurer, and thence returned, and thereby save to the school fund one per centage.

SEC. 25. First line, strike out "civil officers," and insert "Justice of the Peace." Strike out "on oath," and insert "given."

Second line, after "knowledge," insert "of the violation of any of the provisions of this act."

Sixth line, before "commit," insert "shall."

SEC. 27. And the following as a substitute for section twenty-seven:

All fines, penalties and forfeitures, accruing under the provisions of this act, shall be paid, one half to the complainant, and one half to the County Treasurer, for the use of the general school fund.

We also recommend the adoption of the report of the Committee on Education, in response to Mr. Sheldon's resolution, hereto attached. All of which is most respectfully submitted.

W. W. WARDELL,

Minority of Committee on Education.

Mr. President and gentlemen of the Senate of Nebraska:

Your Committee on Education, to whom was referred the following resolution, to wit:

Resolved, That the Committee on Education be instructed to inquire into the expediency of disposing, by lease, of the school lands, and of providing for the disposal of the revenue arising from the lands so disposed of, and report by bill or otherwise, having had the same under consideration, and believing that the citizen voters of each township, having the greatest interest in the success of the educational interest of the same, are the parties most eminently fitted to decide with honesty of purpose, they alone being the parties who are to be benefitted or injured, by the adoption of measures wise or unwise in relation thereto.

We therefore recommend the following as amendatory to Senate bill No. 13, as introduced by Mr. Doom, which will allow the majority of the voters of each township to decide whether it will advance the educational interests most to lease, or sell the same, and to govern themselves accordingly:

A majority of the electors in any congressional township, may petition the County Commissioners' Court to have their sixteenth and thirty-sixth sections, or any other lands selected under warrant of law, in lieu thereof.

SEC. Notice of said intended petition shall be given by at least four written or printed handbills, signed by a householder, and put up in public places in the township, or by advertisements in a newspaper published in the County, at least twenty days before the petition is to be presented to the County Commissioners' Court, and ten days before such petition shall be presented to such householder.

The said County Commissioners' Court, when such petition is presented and publicly read, and upon proof of notice having been given as required by the preceding section, if it is satisfied that a majority of the householders of the township are in favor of leasing such school lands, shall make an order, a copy of which shall be furnished to each school district in said township, by delivering the same to any officer of said school district, during the——to lease the same in lots of not less than——for a period, if unimproved, not exceeding——years.

Leases made in pursuance of this act shall set forth the lands let, by notes and bounds, the time and duration of the lease, the rents reserved, and shall specify particularly the improvements, if any, to be made, and contain proper covenants for the payment of the rent reserved, making the specified improvements, and that such lessee shall not cut down, injure or destroy any timber upon premises let, other than what shall be necessary for fire wood, making the specified improvements, or if the premises contain mineral, carrying on the mining and smelting business. That said lessee will not commit, or suffer to be committed, any waste, spoilation or destruction, of the buildings or fences which may at any time be erected on such premises, and that he will at the end of his term, or other sooner termination thereof, yield up the premises in good repair, with such other covenants as the nature of the contract may require, and reserving to the——the right to re-enter at any time, for a breach of any covenant contained in said lease.

No lease shall take affect until it shall be approved by the County

Commissioners' Court, or a majority of the Commissioners in vacation, and when so approved, shall be deposited in the office of the County Clerk of said County, and which shall be by said Clerk, duly filed and recorded.

The County Commissioners' Court, upon a breach, by the lessee, of any covenant or covenants contained in the lease, shall notify the lessee to yield up the possession of the premises, and if such lessee shall neglect or refuse so to do for the period of ten days after he shall be notified as aforesaid, the——shall proceed against him, and obtain restitution in the same manner, and with like effect, as in other cases of tenants holding over.

This act shall take effect, and be in force, from and after its passage.

All of which is most respectfully submitted. and your Committee ask to be discharged from further consideration of the same.

J. T. DAVIS,
W. W. WARDELL,
O. HOLDEN.

Mr. President and gentlemen of the Senate:

Your Select Committee, to whom was referred Senate bill No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same, have had the same under consideration, and have failed to agree, therefore I beg leave to submit the following minority report:

In sections ten and eleven, the bill provides that any person having permanent improvements upon the school lands, shall have the privilege of purchasing said land at the appraised valuation, provided that said improvements shall be valued in any sum, not less than two hundred dollars.

In other reports made upon this bill, the Committee have failed to show any reason why any person having made improvements, as above named, should have privileges in the purchase of school lands, above other citizens. If the person having improvements on school lands is allowed a reasonable compensation for such betterments, should the land on which the improvements are made be sold, certainly he cannot complain of not having justice done him in the premises.

It cannot be said that the persons above named have ever had the least shadow of a title to said land, therefore they have no claim, only on the improvements, and hence it would be unjust to allow them any privileges above other persons, in the purchase of the land. If it is contended that the land will be appraised for all it is worth, why then fear public competition in the sale of the same? No, the bill will favor the few, and injure the many. In my judgment, these persons are trespassers or interlopers, and ought not to receive any clemency at our hands, or the hands of the law.

I therefore recommend, that sections 10 and 11 be so amended as to allow each person a reasonable compensation for all improvements he may have on school lands, and that the same be paid, on the sale of the land having said improvements thereon. All of which is most respectfully submitted.

[Signed,]

W. A. PRESSON.

Mr. Holden, from the Committee on Expenditures, reported S. No. 39, An act to prescribe the fees of certain officers, without amendment.

Mr. Reeves gave notice that at an early day he would introduce a bill to repeal an act to amend an act to incorporate the South Nebraska Rail Road Company, approved February 18th, 1867.

Mr. Freeman gave notice that at an early day he would introduce a bill to repeal section 27 of chapter 19, of the R. S. Nebraska.

Mr. Baird asked and obtained leave to introduce S. No. 47, An act to amend an act, entitled, An act to incorporate the Interior Mining and Manufacturing Company, approved February 18th, 1867, which was read the first time.

H. No. 18, An act prescribing the duties of the Secretary of State, was read the first time.

H. No. 37, An act to appoint a State Agent, was read the first time.

H. No. 22, An act to amend section 23 of chapter 19, of the R. S. Nebraska, entitled, Fees, was read the first time.

H. No. 41, An act to provide for procuring a seal of the State of Nebraska, was read the first time.

H. No. 42, An act to locate a State road in Washington and Douglas Counties, was read the first time.

S. No. 43, An act to provide for the registration of the voters of the State.

Mr. Doom moved the rules be suspended, and the bill be read the second time by its title, and referred to the Committee on Elections, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For the negative, Messrs. Freeman, Patrick, Reeves and Wardell—4.

The bill was read the second time, and referred to the Committee on Elections.

S. No. 44, An act to provide for the location of the seat of government of the State of Nebraska, and for the erection of public buildings thereat, was read the second time.

Mr. Majors moved to refer the bill to the Committee on Finance, Ways and means.

Mr. Hascall moved to amend by striking out "Finance, Ways and Means," and inserting, "Public Buildings," which was disagreed to.

Original motion agreed to.

On motion of Mr. Doom, the bill was ordered printed.

S. No. 45, An act to locate the Capitol, State University, and Agricultural College.

On motion of Mr. Majors, by unanimous consent, the rules were suspended, and the bill read the second time by its title, and referred to the Committee on Public Buildings.

Mr. Majors moved the bill be ordered printed, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Patrick, Presson—7.

For the negative, Messrs. Majors, Reeves, Sheldon and Wardell—4.

S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, was read the second time, and referred to the Committee on Highways.

H. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, was read the second time, and referred to the Committee of the Whole.

S. No. 42, Joint resolution upon adjournment.

Mr. Patrick moved its adoption, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Reeves moved the adoption of the report of the Committee of the whole, that it lie upon the table, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

For the negative, Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the Whole, bills reported from Committees.

On motion of Mr. Doom, the Committee rose and reported H. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, with sundry amendments, to be engrossed for third reading to-day.

Mr. Davis moved the report be adopted.

On motion of Mr. Wardell, the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

On motion of Mr. Hascall, ordered that Mr. Sheldon's substitute of the bill H. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, be read for the information of the Senate, and the title thereof was, Fixing the number of officers and employees of the Senate and House of Representatives, to define their duties, and establish their pay.

On motion of Mr. Wardell, ordered that both the bill and substitute be re-committed to the Committee on Expenditures.

On motion of Mr. Freeman, the Senate proceeded to consider, in Committee of the Whole, bills reported from Committees, Mr. Reeves as Chairman.

On motion, the Committee rose and reported to the Senate.

S. No. 8, An act to define the duties and liabilities of R. R. Companies,

to be re-committed to a Special Committee, to consist of Messrs. Wardell, Davis and Presson.

Report adopted.

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties, recommend its passage.

Report adopted.

S. No. 34, An act to define the duties of State Librarian, with sundry amendments, to be engrossed for third reading.

Report adopted.

S. No. 37, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and alimony, without amendment, to be engrossed for third reading to-morrow.

Report adopted.

H. No. 44, Joint resolution of thanks to the Smithsonian Institute, with amendments, to be engrossed for third reading.

Report received.

S. No. 39, An act to prescribe the fees of certain officers, with amendments, to be engrossed for third reading.

Report received.

S. No. 40, An act to repeal section 34 of chapter 19, of the R. S. Nebraska, with sundry amendments, to be engrossed for third reading.

Report received.

Mr. Reeves moved to amend S. No. 39, An act to prescribe the fees of certain officers, by inserting "two dollars," instead of "one dollar and fifty cents," in the first section.

Mr. Presson amended the motion to amend by inserting "three dollars."

The ayes and nays being demanded, the vote stood as follows:

For the affirmative, Messrs. Davis, Holden, Patrick, Presson—4.

For the negative, Messrs. Baird, Doom, Freeman, Hascall, Majors, Reeves, Sheldon, Wardell and Mr. President—9.

So the motion to amend the amendment was lost.

The question recurring on the original motion, was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Doom, Freeman, Hascall, Majors, Patrick, Presson, Reeves, Sheldon and Mr. President—10.

For the negative, Mr. Wardell—1.

Mr. Reeves moved to strike out the words "and fifty cents" in the second section, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Doom, Hascall, Majors, Patrick, Reeves, Sheldon, Wardell and Mr. President—9.

For the negative, Messrs. Davis, Freeman, Holden and Presson—4.

Mr. Presson moved to amend section 4 by inserting, after the word "dollar," the words "and fifty cents," which was decided in the negative, as follows:

For the affirmative, Messrs. Davis, Holden and Presson—3.

For the negative, Messrs. Baird, Doom, Freeman, Hascall, Majors, Patrick, Reeves, Sheldon, Wardell and Mr. President—10.

On motion of Mr. Reeves, ordered that the bill be engrossed for third reading to-morrow.

Mr. Doom moved to amend S. No. 40, An act to repeal section 34 of chapter 19, of the R. S. Nebraska, by adding, as a new and last section, "provided, that this act shall not take effect and be in force in the Counties of Douglas and Otoe, until the first day of November, 1867."

Ordered, that the bill be engrossed for third reading to-morrow.

On motion of Mr. Patrick, the rules were suspended by unanimous consent that bills on third reading, be read by their titles.

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties, was so read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, by a unanimous vote of the Senate.

For the affirmative, Messrs. Baird, Freeman, Davis, Doom, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—13.

S. No. 22, An act to provide for State printing, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell—11.

For the negative, Mr. Freeman—1.

S. No. 33, An act to vacate certain portions of Calhoun City Company's addition to Fort Calhoun, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Wardell—12.

For the negative, none.

S. No. 36, An act to require the payment of certain costs upon commencement of suits in the District or Supreme Court, was read the third time.

Mr. Reeves moved the bill be indefinitely postponed, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Reeves, Sheldon and Wardell—5.

For the negative, Messrs. Davis, Doom, Hascall, Holden, Majors, Patrick, Presson—7.

By unanimous consent, ordered that the bill lie over until to-morrow.

H. No. 44, Joint resolution of thanks to the Smithsonian Institute, was taken up and read the third time by its title.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

THURSDAY, JUNE 6, 1867.

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—13.

On motion of Mr. Hascall, Messrs. Doom and Haseall were appointed as managers on the part of the Senate, at a conference on the disagreement to the amendments by the House to S. No. 1, An act to require the Secretary to contract for certain printing.

COMMUNICATION FROM THE SECRETARY OF STATE.

Gentlemen of the Senate:

In answer to a public notice sent by me to the Omaha Republican, inviting bids for doing the incidental printing of the Senate, I received the following bids from Redfield Brothers:

To the Secretary of State:

We, the undersigned, in accordance with the annexed advertisement, do hereby agree to do the printing and other work specified in said advertisement, at the following rates, to wit:

Composition, per 1000 ems	45 cts.
Press work, per token of 240 impressions	75 "
Bill paper, 14 lb. cap per quire	35 "
Folding, stitching and binding per 100 copies, up to 24 pages	\$1.25
" " " " " " " " " 50 "	1.75
" " " " " " " " " 100 "	2.00

Respectfully submitted,

REDFIELD BRO'S.

C. E. REDFIELD,

L. C. REDFIELD.

Omaha, June 3, 1867.

It being the lowest and only bid received, I have made arrangements with Redfield Brothers for performing the incidental printing of the Senate.

Your most obedient servant,

THOMAS P. KENNARD,

Secretary of State.

On motion of Mr. Baird, the Senate adjourned.

SENATE CHAMBER,
Thursday, June 6, 1867.

The Senate met pursuant to adjournment.

Prayer,

Roll called.

Journal read and approved.

On motion of Mr. Reeves, by unanimous consent, the rules were suspended and H. No. 16, An act relating to pardons, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative as follows:

For the affirmative—Messrs. Baird, Davis, Doon, Freeman, Hascall, Holden, Patrick, Presson, Reeves, Sheldon and Wardell—11.

For the negative none.

Mr. Baird presented a memorial for a mail route, which was referred to the Committee on Federal relations.

Mr. President:

Your Committee to whom was referred substitute, for House file No. 10, have had the same under consideration, and report the same fact, with the following additional section:

There is hereby appropriated, the sum of ten thousand dollars, out of any moneys not otherwise appropriated to pay the *per diem* and mileage of members and officers of this session of the Legislature, the Auditor is hereby authorized to draw his warrant in favor of any member or officer as aforesaid, for such amount as the Secretary of the Senate, or Chief Clerk of the House of Representatives shall certify to be due such member or officer at the time of giving such certificate, provided that such amount shall not exceed the pay as provided by this act, and recommend its passage.

L. SHELDON.

Mr. President:

Your Committee to whom was referred House file No. 10, "An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, would respectfully recommend that section 2 be amended, commencing at the 12th line to read for the payment of Enrolling and Engrossing Clerks, four dollars per day each, for the payment of Sergeant-at-Arms, Door-keeper and Chaplain, four dollars per day each, for the payment of Pages, two dollars per day each; instead of three dollars per day each for the Enrolling and Engrossing Clerks, Door-Keeper, Sergeant-at-Arms, and Chaplain, and one dollar and fifty cents each for the Pages.

And would recommend the passage of the bill so amended.

OSCAR HOLDEN.

J. N. H. PATRICK.

Mr. President:

Your Committee on Counties to whom was referred a resolution directing the Committee to ascertain what legislation, if any, was necessary for the organization of new Counties, and to provide for of unorganized country in the matter of elections, Courts and Revenue, have had the same under consideration, and beg leave to report:

That in the opinion of your Committee, no general act could be framed which would certainly meet the exigencies of all sections, under circumstances which may arise in regard to the organization of new Counties. It is thought prudent to leave that subject open, and within the discretion of the Legislature, which can organize new counties from time to time as fast as the necessities of the different localities may demand, and in the manner which

may be required. Otherwise, for the purpose of local taxation, or for personal ends, counties might be organized through fraud or trickery, in the remote portions of the State. Your Committee are of opinion therefore, that it would be more prudent to make no provision for the organization of Counties under a general law. Upon examination of the late revision of the Statutes of Nebraska, your Committee find the following:

Page 45, Chapter 10, All unorganized Counties shall be attached to the nearest organized County East of them for election, judicial or revenue purposes.

In the first session laws of 1855, under the head of Courts and their jurisdiction, page 194, section 140, in addition to the foregoing on this subject, is the following proviso:

That unorganized Counties on the Missouri River shall be attached to the nearest organized County below the same.

In this respect there seems to be a discrepancy between the statutes and the revision, one however which may not be material, owing to the present character of the river counties. But embarrassment might occur if any of these counties should lose their organization through Indian raids, or other causes, as some of the upper counties have within the last few years. Your Committee merely wish to call attention to this point.

A portion of the subject referred to your Committee, is that relating to Revenue and Judicial matters, perhaps more legitimately belongs elsewhere, but your Committee, from the hasty examination which they have been able to give the subjects of the resolution, are of the opinion that no further Legislation is necessary, unless it be something merely declaratory in the direction indicated.

H. BAIRD.

Mr. President:

Your Committee on Counties, having reported against any general law for the organization of Counties, your majority Committee would respectfully submit to the Senate, that if no enactment is passed at the present session of the Legislature for securing to new counties a general law for County organization, a large number of our border settlers now locating in the southern and northern portions of the State will be deprived of many of their rights and privileges as prescribed by the constitution. For instance, there is a wide arid belt of country lying between the counties adjacent to the Missouri River, and the southern border of the State that is barren and destitute of inhabitants, and probably ever will remain deserted. Immigrant citizens taking up homesteads along the Republican River Valley, one of the richest and most desirable district of country in the State, will therefore be barred from justice and isolated entirely from all local rights and privileges, there being a desert of from fifty to one hundred miles, intervening between their settlements and the nearest organized counties. Hence they must be neglected and shamefully outlawed for two years to come, this being supposed the last opportunity for providing by Legislation until the year 1869. The law now in force relative to the organization of counties, is not in the opinion of your Committee adequate to the protective wants of our people. Your Committee would further call attention to the fact that experience has shown considerably that the law as it is now interpreted is not binding, and does not reach the

frontier communities, the unorganized counties lying on the Missouri River above Dakota County.

Your Committee would further suggest that the Governor's Proclamation indicates very plainly in section 14, 30 and 31, the necessity and power of the Legislature to provide a general law for the organization of counties.

Your Committee would further recommend that a bill for a general law should be considered and acted upon at the earliest moment possible, as there is no law in the Revised Statutes that will cover the ground.

F. K. FREEMAN,
L. SHELDON.

Mr. Presson from the Committee on Finance, reported S. No. 44, An act to provide for the location of the seat of government of the State of Nebraska, and for the erection of public buildings thereat, with amendments.

S. No. 25, An act appropriating money to satisfy the claim of Dr. Philip O'Hanlon, for moneys expended by him in promoting immigration to Nebraska, without recommendation.

S. No. 38, An act to give the complaining witness one-half the fines collected in cases of misdemeanor, without amendment.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the following titles, viz:

H. No. 35, An act to amend section 1st of an act entitled an act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks Precincts, Otoe County, Nebraska.

H. No. 40, An act requiring all costs incurred in the inferior courts of this State to be paid before an appeal can be taken from their decisions, in which I am directed to ask the concurrence of the Senate.

Mr. Doom from the Committee of conference upon House amendments, to S. No. 1, An act to require the Secretary to contract for certain printing, reported that in the opinion of the Committee, the House shall recede from its amendments.

J. E. DOOM, } Senate.
I. S. HASCALL. }
J. E. KELLEY, } House.
HAYWOOD, }

Mr. President:

Your Committee to whom was referred S. No. 41, An act to define Senatorial and Representative Districts, and apportion Senators and Representatives, have had the same under consideration, and ask leave to report:

That the questions involved in this bill are of more than ordinary interest and importance to the people of this State. It is a matter of general notoriety throughout this State, that this subject has engendered more bitter feelings, more strife and contention, in the Legislature of the late Territory, and amongst the people of the different sections of the State, than all other subjects combined. There must, then, be a moving principal cause for this. Something must be radically wrong. This unnecessary, but natural strife, these

bitter feuds and violent controversies are not the result of accident, but have as your Committee is constrained to believe, their origin in a fixed purpose and determined effort to prevent justice being done to the people of certain sections of this State. If the policy of injustice which has long prevailed is to be continued, then we cannot expect, neither will we have harmonious action on this subject in our Legislature.

Injustice, long endured, becomes oppression, and no people feel the effects of this more keenly than our own. They confidently look to this Legislature for the right so long and so persistently, and so pertinaciously withheld from a part of them, the right to equal representation. It is for us to say whether or not something like justice shall be done, whether there shall be equality in representation, or whether the present oppressive system is to prevail. To us the right and power to remedy the wrong complained of, seems clear, the duty obvious, and the remedy certain and effectual. To hesitate is wrong, to neglect is criminal. If, then, the State is not fairly divided into Senatorial and Representative Districts under existing laws, then certainly it ought to be so divided, and at this time re-districted. The necessity for this exists, and is admitted, otherwise bills would not be introduced here providing therefor, and if some just measure is not perfected so as to effect the object desired, so as to remove the long continued and growing complaints of our people, we shall then look in vain for some plea of justification on the part of those who are not willing to concede to others what they demand for themselves. If it be true then, that the present apportionment, especially for Senatorial Districts, works great injustice to some sections, as it manifestly does, and that this Legislature has the rightful authority, and an honest purpose to do right in the premises, so as to remove existing causes of complaint, then it is quite apparent that the bill in question will never receive any very serious consideration. This bill, instead of removing existing causes of complaint, makes the Districts much more objectionable than we find them under existing laws. A reference to the votes polled in the several Districts at the October election, held in the year 1866, proves this most clearly and conclusively. The whole number of votes polled at that election, was about 9,168. This would average about 705 votes to each Senator. Richardson County polled, that election, 1,037 votes. Nemaha County polled 976 votes. Each of these Counties gets one Senator, and no more, as the law now stands. This bill gives them the same, and no more; yet the First District, composed of the Counties of Dakota, Dixon, Cedar and L'Eau Qui Court, with a vote of only 348, gets now, under the law, one member in the Senate, the same that Richardson gets with 1037 votes, and Nemaha with 976 votes. This bill gives it the same. The Eleventh District provided for in this bill, composed of the Counties of Dodge, Platte, Cuming, Stanton and Madison, polled at said election 488 votes, but would have a representation in the Senate equal to either Richardson or Nemaha County. The Twelfth District, under this bill, composed of the Counties of Merrick, Hall, Buffalo, Kearney and Lincoln, polled 365 votes at said election. Here too, is a District entitled to the same representation as the County of Richardson or Nemaha. But we deem it wholly unnecessary to pursue this comparison further, unless, perhaps it should be thought necessary to prove to some gentlemen that one thousand votes in the County of Richardson or Nemaha are entitled to as much consideration

as 348 in the tenth, or 365 in the twelfth, 448 in the eleventh District, as provided in this bill. To honorable, fairminded gentlemen, no such proof would be necessary. To most others, proof is as useless as it is unavailing. The inconsistencies of the bill are too glaring not to be seen at a glance. It needs not the aptitude of an experienced Legislator to detect and point them out. Therefore, as this bill is so manifestly unfair, if not grossly unjust and ridiculously absurd, your Committee recommend the indefinite postponement of the same.

THOMAS J. MAJORS, *Chairman*.

Your Committee have also had under consideration S. No. 29, An act to apportion the members of the Senate and House of Representatives.

Believing as we do, that this bill to a great degree remedies the acknowledged evil of unfair representation, beg leave to report the same back without amendment, and earnestly recommend its passage.

THOMAS J. MAJORS, *Chairman*.

Mr. President:

The undersigned asks leave to submit the following as a minority report of the Committee on Elections, on Senate bill No. 29, An act to apportion the members of the Senate and House of Representatives, and on Senate bill No. 41, An act to define Senatorial and Representative Districts, and apportion Senators and Representatives.

Senate bill No. 29 is unjust and unconstitutional, in this, that it attempts to deprive two important parts of the State of Nebraska, to wit: the Northern and Western, of their just representation in the Legislature, and in defining Senatorial Districts to accomplish that object, violates the provisions of the State Constitution, that declares that Senators and Representatives shall be chosen by districts of convenient, contiguous, compact territory. The Northern District is made to extend two-thirds of the way across the State, to wit: from the northern boundary line, to the Platte River, and is neither compact nor convenient, and will result in depriving all the northern part of the State of representation in the Senate; that the Counties of Dakota, Dixon, Cedar and L'Eau Qui Court, are fast settling up with hardy pioneers, that are allured thither by the valuable groves of timber and the productive soil of that region of country, and by said Counties bordering upon the Missouri River, and thus having an outlet to a market for all their surplus productions. That the Western part of the State is fast growing into importance, on account of the construction of the Union Pacific Railroad. That the same objections exist to the Western District, as its limits are defined in the said bill, as have been set forth in relation to the Northern District. That the majority report is erroneous in several particulars, and proceeds upon false premises. That said report proposes to proceed upon the basis of the vote cast at the last general election, and then when said basis is not found convenient to follow, is abandoned altogether. The premises are false in assuming that the vote cast at the last general election indicates the population at this time, that no other evidence of population must be considered, and that population alone governs in the formation of districts and apportioning members of the Legislature under the Constitution. The Constitution requires that before, as well

as after an enumeration of the inhabitants, the Districts shall be convenient, contiguous and compact. In the Counties south of the Platte River, where it is claimed that an excess of population exists over the present ratio of representation, it is sought to increase the representation. But in Counties of less population than the ratio requires, it is proposed to retain the present representation, notwithstanding the existence of such deficiency. In the County of Douglas, where the vote referred to shows the County entitled to six members of the House of Representatives, the bill and report proposes to allow but five, and in other cases where a deficiency exists, a full representative is allowed. Under our Constitution, when the Senate is composed of but thirteen members, Senators should be apportioned as that instrument contemplates, so that all parts of the State may be represented, and that justice and the wants, interests and conveniences of the people may be subserved. For these reasons, it is recommended that Senate bill No. 29 be indefinitely postponed.

Senate bill No. 41 will correct the evils, injustice and errors complained of above, and will carry out both the letter and spirit of the Constitution, and promote and jealously guard the interests of all parts of the State. Such being the case, it is recommended that said Senate bill No. 41 do pass.

HARLAN BAIRD,

Minority of Committee on Elections.

Mr. Reeves submitted the following concurrent resolution, which was by unanimous consent, considered and adopted.

Resolved, by the Senate and House of Representatives, That Dr. F. V. Hayden, State Geologist, be respectfully requested to meet the Legislature of Nebraska in the Hall of the House of Representatives, at such time as may suit his convenience, to communicate his views in relation to the proposed geological survey, and its probable advantages to the State.

Resolved, That a Committee of one on the part of the Senate, and two on the part of the House of Representatives, be appointed to wait upon Dr. F. V. Hayden, and present him with a copy of these resolutions.

Mr. Reeves was appointed said Committee on the part of the Senate.

Mr. Presson gave notice that at an early day he would introduce a bill to repeal sections 88, 89, 90, of chapter 46 of the R. S. Nebraska, entitled, Revenue.

Mr. Freeman gave notice that he would at an early day introduce a bill for the general organization of Counties.

H. No. 35, An act to amend section one of an act, entitled, An act to restrain stock from running at large in Deleware, McWilliams, Syracuse and Henderson precincts, Otoe County, Nebraska, was read the first time.

H. No. 40, An act requiring costs incurred in the Inferior Courts of the State to be paid, before an appeal can be taken from their decisions, was read the first time.

S. No. 48 An act to repeal section 27 of chapter 19, of the R. S. Nebraska, was read the first time.

On motion of Mr. Hascall, by a three-fourths vote of the Senate, the rules were suspended, and S. No. 47 was read the second time by its title, and referred to the Committee on Incorporations.

S. No. 47, An act to amend an act, entitled, An act to incorporate the Interior Mining and Manufacturing Company, approved February 18, 1867.

H. No. 22, An act to amend section 22 of chapter 19, of the R. S. Nebraska, entitled, Fees, was read the second time, and referred to the Committee on Expenditures.

H. No. 41, An act to provide for procuring a seal of the State of Nebraska, was read the second time, and referred to the Committee on Public Buildings and State Library.

H. No. 42, An act to locate a State road in Washington and Douglas Counties, was read the second time, and referred to the Committee on Highways.

H. No. 18, An act prescribing the duties of the Secretary of State, was read the second time, and referred to the Judiciary Committee.

H. No. 37, An act to appoint a State Agent, was read the second time.

Mr. Majors moved to refer the bill to the Committee on Finance, Ways and Means.

Disagreed to.

Mr. Patrick moved it be referred to the Committee on Expenditures.

Disagreed to.

Mr. Wardell moved it be referred to the Committee on Elections.

Disagreed to.

Mr. Davis moved it be referred to the Judiciary Committee.

Disagreed to.

Mr. Patrick moved the bill be indefinitely postponed, which was decided in the negative.

Mr. Presson moved the bill be referred to the Committee on Military Affairs, which was decided in the affirmative, and the bill so referred.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the Whole, S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same, Mr. Doom as Chairman.

After long debate, it was ordered that the bill lie over until to-morrow.

Resolved, That the Committee have leave to sit again.

On motion of Mr. Hascall, the Committee rose and reported.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the the concurrent resolution of the Senate, requesting Dr. F. V. Hayden to communicate his views in relation to the proposed geological survey, to the Legislature, and Messrs. Woolworth and Daily have been appointed the Committee on the part of the House.

The House has passed the following concurrent resolution:

Resolved, That the Auditor is hereby authorized to issue his warrant on the Treasurer for the payment of the *per diem* of the members of this Legislature, in which I am directed to ask the concurrence of the Senate.

Mr. Presson moved the rules be suspended, and the concurrent resolution of the House be read the first, second and third times, and put upon its passage, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Doom, Baird, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative, Mr. Freeman—1.

The resolution was so read.

The President put the question, "Shall the resolution be adopted?" which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Majors, Patrick, Presson, Reeves and Sheldon—8.

For the negative, Mr. Freeman—1.

Mr. Wardell moved to take a recess until 2 o'clock, P. M.

Mr. Sheldon amended by substituting "to adjourn until 1 o'clock, P. M. to-morrow," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Holden, Patrick, Sheldon, Hascall and Mr. President—8.

For the negative, Messrs. Freeman, Majors, Presson, Reeves and Wardell—5.

The question being on the original motion as amended, was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Hascall, Holden, Patrick, Sheldon and Mr. President—8.

For the negative, Messrs. Freeman, Majors, Presson, Reeves, Wardell—5.

So the Senate adjourned.

SENATE CHAMBER,
Friday, June 7, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Baird presented a petition from citizens of Dixon and Cedar Counties, relative to the completion of a road from Ponca, Dixon County, to Niobrarah, L'Eau qui Court.

Mr. Davis, from the Committee on Education, reported S. No. 28, An act to locate, establish and endow, a State Normal School, without amendment.

Mr. Hascall, from the Committee on Incorporations, reported S. No. 47, An act to amend an act, entitled, An act to incorporate the Interior Mining

FRIDAY, JUNE 7, 1867.

and Manufacturing Company, approved February 18, 1867, without recommendation.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has disagreed to the amendments of the Senate, to H. No. 44, Joint resolution of thanks to the Smithsonian Institute.

The following report was submitted, to which Mr. Wardell rose to a point of order, that a minority report could not be received by the Senate, until they were informed by the Chairman, or a majority of the Committee, of the disagreement of the same.

Overruled.

Mr. President:

The undersigned, one of the Committee on Public Buildings, asks leave to report, that he has had under consideration Senate bill No. 45, An act to locate the Capitol, State University and Agricultural College, referred to said Committee, and as different opinions are entertained by the members of said Committee, on the practicability of the location proposed in said bill, and as the undersigned believe said proposed location to be the most feasible plan so far presented for the consideration of the Legislature, he recommends that said bill do pass.

J. N. H. PATRICK.

Mr. President:

Your Committee on Military Affairs, to whom was referred H. No. 37, An act to appoint a State Agent, have had the same under consideration, and in view of the fact of our having in the National Congress two U. S. Senators and one Congressman, who represent the interests of this State, and whose duty it is to attend to matters in which our State is directly or indirectly interested, it would be, in the opinion of your Committee, an act of financial folly to expend the sum authorized in this bill, to accomplish an object which will be faithfully attended to without such expenditure, and would beg leave to report the same back, with the recommendation that it be indefinitely postponed.

H. BAIRD,
T. J. MAJORS.

Mr. President:

The Committee appointed to wait upon Dr. F. V. Hayden, State Geologist, and request him to address the Legislature on the subject of the proposed survey, have performed the duty assigned them, and have received from him the assurance that it will afford him great pleasure to meet the Legislature to-morrow, at 2 o'clock P. M., in the Hall of the House of Representatives.

MILLS S. REEVES, *Senate Committee.*

Mr. Reeves, from the Committee, reported S. No. 9, An act to amend section 75 of chapter 25, of the R. S. Nebraska, entitled, Incorporations.

S. No. 12, An act to provide for the election of Road Supervisors, and further define their duties, as correctly enrolled, when the President signed the same.

Mr. Reeves introduced S. No. 49, An act to repeal an act to incorporate the South Nebraska Rail Road Company, which was read the first time.

S. No. 48, An act to repeal section 27 of chapter 19, of the R. S. Nebraska, was read the second time, and referred to the Committee on Finance.

Mr. Reeves, from the Committee, reported having presented to the Governor for his signature at 3 o'clock P. M. to-day, S. No. 9, An act to amend section 75 of chapter 25, of the R. S. Nebraska, entitled, Incorporations.

S. No. 12, An act to provide for the election of Road Supervisors, and further define their duties.

H. No. 36, An act to amend section 1 of an act, entitled, An act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska, was read the second time, and referred to the Otoe County Delegation.

H. No. 40, An act requiring all costs incurred in the Inferior Courts of the State to be paid, before an appeal can be taken from their decisions, was read the second time, and referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

Omaha, June 7, 1867.

Mr. President:

The Governor directs me to notify your honorable body that he has this day approved and signed, An act to provide for the election of Road Supervisors, and further define their duties.

An act to amend section 75 of chapter 25, of the R. S. Nebraska, entitled, Incorporations.

C. H. GERE, *Private Secretary.*

Mr. Presson moved the Senate proceed to consider, in Committee of the whole, S. No. 44, An act to locate the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat, and other bills upon the President's desk.

Mr. Hascall moved to amend by striking out "S. No. 44," which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

For the negative, Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

The question recurring upon the original motion, was put and determined in the affirmative, Mr. Sheldon as Chairman.

On motion of Mr. Majors, the Committee rose and reported S. No. 44, An act to provide for the location of the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat, with various amendments made by the Committee, with the recommendation that it be engrossed for third reading to-morrow.

Report received.

Mr. Patrick moved to adjourn.

Disagreed to.

Mr. Reeves moved the adoption of the report of the Committee.

Mr. Hascall moved the following amendment to the bill, by adding, as the last section but one, the following, to wit:

Provided, that upon the removal of the Seat of Government from the City of Omaha, as provided in this act, the title to the Capitol grounds and buildings thereon, shall revert to, and vest in the said City of Omaha, for school purposes.

The ayes and nays being demanded, upon the motion to amend, the vote stood,

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick, and Mr. President—5.

For the negative, Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

Amendment lost.

The question recurring upon the original motion to adopt the report of the Committee, was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—8.

For the negative, Messrs. Baird, Freeman, Hascall, Patrick—4.

Mr. Patrick moved to adjourn.

Disagreed to.

Mr. Wardell moved the Senate re-consider the vote by which the report of the Committee was adopted, and that that motion be laid on the table.

The ayes and nays being demanded, the vote stood,

For the affirmative, Messrs. Davis, Holden, Majors, Presson, Reeves and Wardell—6.

For the negative, Messrs. Freeman, Hascall, Patrick and Mr. President—4.

So the motion to re-consider was laid upon the table.

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,
Saturday, June 8, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read, and approved.

Mr. Presson, from the Committee on Public Buildings, submitted the following minority report upon S. No. 45, An act to locate the Capitol, State University and Agricultural College.

That the Committee failed to agree in their report. By reference to the Standing Committees, you will find I am Chairman of the Committee on Finance, Ways and Means, to whom was referred S. No. 44, An act to locate the Seat of Government of the State of Nebraska, and for the erection of

public buildings thereat, contemplating the same object to be obtained in S. No. 45; and in my judgment, S. No. 44 will better subserve the interests of the State, in that it contemplates a more central location for the Seat of Government, and fixing the same where it will enhance the value of our State lands at least three hundred per cent.

I therefore recommend the indefinite postponement of the bill.

W. A. PRUSSON, *Chairman*.

Mr. Baird asked and obtained leave to report upon said bill to-morrow.

Mr. Majors, from the Committee on Elections, reported S. No. 43. An act to provide for the registration of the voters of the State of Nebraska, without amendment, and recommended its passage.

Mr. President and Gentlemen of the Senate.

Your Committee on Elections, to whom was referred S. No. 43, An act to provide for the registration of the voters of the State of Nebraska, and a majority of your said Committee, by their Chairman, having reported in favor of, and recommended its passage, and a minority of said Committee not having concurred in said majority report, beg leave to submit the following, as some of their reasons for dissenting therefrom:

First. We believe this bill, if enacted as here recommended by the majority of said Committee, and thereby should become a law, with all the vitality this Legislature can give, would contain provisions directly in violation of the letter and spirit of the Constitution of the State, and with reference to which each and every member of this Senate, has fixed his most solemn oath, and called upon high Heaven to witness the sincerity of their vows, that they will preserve, keep and maintain inviolate each and every provision thereof.

Section second, of article second, of the subdivision of the State Constitution, entitled "Legislative," says:

Every male person of the age of twenty-one years and upwards, belonging to either of the following classes, who shall have resided in the State, County, precinct or ward, for the time provided by law, shall be an elector, to wit:

White citizens of the United States. White persons of foreign birth, who shall have declared their intention to become citizens, conformable to the laws of the United States, who shall have resided in the State, County, precinct or ward, for the time provided by law (and mark me, this is the only condition,) shall be an elector.

Suppose this bill to have passed all the forms, received the signature of the Governor, which God grant he may never so perjure himself, and so far as may be has become a law; are gentlemen credulous enough to believe that Judge Lake, Crouse and Mason, Judges of the Supreme Court, would so far forget their duties and violate their oaths of office, by disregarding the above provisions of said Constitution, as to justify Judges of Election in refusing to receive a vote offered to be given, unless the person so offering the same failed to possess some one or more of these constitutional provisions or requirements, although he had absolutely and wholly ignored the existence of the law, and had not complied with a single feature, other than expressed in said Constitution.

We certainly possess too much confidence in the honesty, integrity, and

ability of these eminently able Jurists to entertain for a single moment the idea that these gentlemen could thus render themselves odious and contemptible in the estimation of every honest citizen of our young State, by holding that this law so enacted would have any legal force and vitality whatever.

As a financial measure, we think we have only to refer to the cost of carrying into effect and enforcing the provisions of the same, to render it absolutely odious, at least to the tax-payers of Nebraska, whatever may be his views with reference to the constitutionality of the same.

The following we think is a fair estimation of the expense of enforcing the provisions of said bill.

One registrar, at the expense to the voter, for his fees and incidental expenses - - - - - \$1.00
Two witnesses, one day each, \$3.00 per day - - - - - 6.00
Voters, loss of time, one day - - - - - 3.00

Total to each voter, about - - - - - \$10.00

The State having about 12,000 voters, will thus be taxed by the adoption of this bill, the enormous sum of \$120,000.

Of this sum, Douglas County will pay about \$16,000.

Otoe - - - - - \$6,000
Richardson - - - - - 10,370
Cass - - - - - 9,800

And again, there is no necessity or demand for such a law, as we are an agricultural people, living in communities where each person knows his neighbor, and where any person presents himself at the polls and asks to exercise the elective franchise, the Judges selected from the precinct, for their honesty and general acquaintance therein, can tell at a single glance, and with no expense of money or time, the legality of every such demand, and an arrangement with reference to densely populated cities has no force here, we therefore recommend indefinite postponement of said bill.

W. W. WARDELL,

Minority Committee on Education.

Mr. Reeves, from the Committee, reported the following bills as correctly engrossed.

S. No. 34, An act to define the duties of State Librarian.
S. No. 37, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and Alimony.
S. No. 39, An act to prescribe the fees of certain officers.
S. No. 40, An act to repeal section 24 of chapter 19, of the R. S. Nebraska.

In Senate bill 34, a blank occurs which should be filled, in accordance with a suggestion of the Librarian, as in the opinion of the Committee, it is eminently proper, although it does not appear in the original bill.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 56, An act to appropriate a portion of the money refunded to this State by the General Government, to the payment of current and contingent expenses for the year of 1867, in which I am directed to ask the concurrence of the Senate.

Mr. Wardell, from the Committee to whom was referred S. No. 8, and substitute, An act to define the duties and liabilities of R. R. Companies, reported in favor of the original bill, with sundry amendments.

Mr. Sheldon submitted the following resolution, which was by unanimous consent considered and adopted:

Resolved by the Senate, the House concurring, That Col. J. N. Chivington be invited to deliver an address to the Legislature, at such time as may suit his convenience, upon the Indian policy.

Resolved further, That a Joint Committee of one on the part of the Senate, and two on the part of the House, be appointed to confer with Col. Chivington on the subject.

Mr. Sheldon was appointed said Committee.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the Senate of the following titles, viz:

S. No. 33, An act to vacate certain portions of Calhoun City Company's addition to Fort Calhoun, without amendment.

S. No. 18, An act to define the boundaries of the Judicial districts, and to assign Justices to the same, with sundry amendments, in which I am directed to ask the concurrence of the Senate.

Mr. Hascall gave notice that he would at an early day, ask leave to introduce a bill to donate to the City of Omaha, for school purposes, the Capitol grounds and building in said City.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has refused to adopt the report of the Committee on the disagreeing votes of the two Houses on the amendments of the House to S. No. 1, An act to require the Secretary to contract for certain printing, and ask a further conference thereon, and have appointed the same Committee on the part of the House.

The House has agreed to the concurrent resolution of the Senate, inviting Col. J. M. Chivington to address the Legislature upon the Indian policy, and have appointed Messrs. Trumbull and Tucker the Committee on the part of the House.

Mr. Holden asked and obtained leave to introduce S. No. 50, An act to repeal sections 88, 89, 90, of chapter 46 of the R. S. Nebraska, entitled, Revenue, which was read the first time.

S. No. 49, An act to repeal an act to incorporate the South Nebraska R. R. Company, was read the second time, and referred to the Committee on Incorporations.

On motion of Mr. Freeman, the Senate proceeded to consider, in Committee of the Whole, bills reported from Committees.

On motion of Mr. Dooni, the Committee rose and reported progress, and asked leave to sit again at 2 o'clock.

On motion of Mr. Davis, the report was adopted, and the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

Called to order at 2 o'clock, P. M.

On motion of Mr. Presson, the Senate took a recess until 3 o'clock, to listen to the address of Dr. F. V. Hayden, State Geologist.

AFTER RECESS.

The Senate met at 3 o'clock.

On Motion of Mr. Presson, the Senate proceeded to consider, in Committee of the Whole, Mr. Presson as Chairman.

On Motion of Mr. Freeman, the Committee rose and reported progress upon S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe keeping of the funds arising from the sale of the same.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President :

The House has passed a bill of the Senate of the following title, viz :

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties, with an amendment, in which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the following title, viz :

H. No. 8, Joint resolution, ratifying the proposed amendment to the Constitution of the United States, in which I am directed to ask the concurrence of the Senate.

Mr. Reeves, from the Committee, reported S. No. 44, An act to locate the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat, as correctly engrossed.

On motion of Mr. Reeves, ordered said bill, S. No. 44, be made the special order on Monday, at 10 o'clock, A. M.

On motion of Mr. Davis, the Senate adjourned.

SENATE CHAMBER

Monday, June 10, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Sheldon, from the Special Committee, appointed on the part of the

Senate to wait upon Col. J. E. Chivington, and request him to address the Legislature upon the Indian policy, reported that he would address the Legislature on Wednesday, at 4 o'clock P. M., June 12, 1867.

Mr. Holden gave notice that he would at an early day introduce a bill to provide for an election, preliminary to the calling of a constitutional convention.

Mr. Davis asked and obtained leave to introduce S. No. 51, An act to amend section 336 of chapter 29, of the R. S. Nebraska, which was read the first time.

A message from the House, by Mr. Bowen, its Clerk:

Mr. President:

The House has adopted the following concurrent resolution:

Resolved, by the Senate and House of Representatives, That a Committee, consisting of two on the part of the Senate, and three on the part of the House, be appointed to visit the prison in Omaha City, in which the State prisoners are confined, and report the condition of the prison and the inmates thereof, to the two Houses, within three days from the passage of this resolution, in which I am directed to ask the concurrence of the Senate.

Messrs. Tucker, Deweese and Dunham have been appointed the Committee on the part of the House.

Mr. Sheldon introduced S. No. 52, An act to provide for the leasing of the school lands of the State of Nebraska, which was read the first time.

Mr. Sheldon moved the bill be ordered printed, which was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Doom, Hascall, Majors, Patrick, Sheldon and Wardell—8.

For the negative, Messrs. Baird, Freeman, Presson and Reeves—4.

Mr. Hascall introduced S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and buildings in said City, and provide means for the erection of public buildings, which was read the first time.

Mr. Majors asked and obtained leave to introduce S. No. 54, An act providing for the appointment of an Adjutant General of the State, and defining his duties, which was read the first time.

Mr. Freeman introduced S. No. 55, An act for the organization of Counties, which was read the first time.

H. No. 8, Joint resolution, ratifying proposed amendment to the Constitution of the United States, was read the first time.

H. No. 56, An act to appropriate a portion of the money refunded to this State by the General Government, to the payment of the current and contingent expenses for the year 1867, was read the first time.

S. No. 50, An act to repeal sections 88, 89, 90, of chapter 46 of the R. S. 17.

S. Nebraska, entitled, Revenue, was read the second time, and referred to the Committee on Agriculture.

Mr. Reeves reported that the Joint Committee had examined S. No. 33, An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun, and find the same truly enrolled, when the President signed the same.

10 o'clock A. M., the special order for the consideration of S. No. 44, An act to locate the Seat of Government of the State of Nebraska, and to provide for the erection of public buildings thereat.

Mr. Reeves was called to the Chair.

By unanimous consent, the following amendments were offered to the bill.

Mr. Doom moved to amend section 1st, in 2d line, after the word "Auditor," the words "or successors."

Amendment lost.

Mr. Rogers moved to amend section 2d, 9th line, by striking out the words "remaining two," and inserting "Judges of the Supreme Court," which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Doom, Freeman, Hascall, Patrick and Rogers—6.

For the negative, Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

Mr. Rogers moved to amend section 2d, 10th line, after the word "person," add the words "or persons."

Amendment lost.

Mr. Rogers moved to amend section 3d, 2d line, after the word "State," by inserting the words "the title to which is unencumbered," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Doom, Freeman, Hascall, Patrick, Sheldon and Rogers—7.

For the negative, Messrs. Davis, Holden, Majors, Presson, Reeves and Wardell—6.

Mr. Rogers moved to amend section 3d, 3d line, after the word "Seward," strike out the words "and the south half of the Counties of," which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Rogers moved to amend section 3d, 11th line, by striking out the word "permanent," which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Rogers moved to amend section 3d, 12th line, by striking out all after the word "Nebraska."

Also, all the 13th line, by striking the same out, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Freeman moved the following amendment to section 3d, "provided the public buildings shall not be located south of a parallel line running three miles north of the southern line of township No. 10."

Mr. Doom moved to amend the amendment, after the word "State," by inserting the words "within the following limits, to wit: the County of Seward, the south half of the Counties of Saunders and Butler, and the north half of the County of Lancaster."

Withdrawn.

Mr. Sheldon moved to amend the amendment by adding after the word "State," the following words, to wit: "within the following limits, to wit: the County of Seward, the south half of the Counties of Saunders and Butler, and that portion of the County of Lancaster lying north of the south line of town nine," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—9.

For the negative, Messrs. Freeman, Hascall, Patrick and Rogers—4.

The original motion to amend, was decided in the affirmative.

Mr. Doom moved to amend section 4 by adding the words "and the lots not thus appraised and marked, shall be reserved from the sales hereinafter provided, provided, that in the event the said Commissioners shall not be able to realize a sufficient amount to carry into effect the provisions of this act, from the sale of the lots appraised and marked as provided in this section, the said Commissioners are hereby authorized to advertise and sell according to the provisions of this act, so much of the reserved lots as may be necessary to carry into effect the provisions of this act."

Amendment lost.

Mr. Doom moved to amend section 5, in 2d line, by striking out the words "not less than ten, nor more than thirty," and insert the words "not less than thirty, nor more than sixty."

Amendment lost.

Mr. Doom moved to amend section 7 in 2d line, after the word "there," insert "as a State building fund, with such person or bank as shall be by them deemed the most convenient to carry into effect the provisions of this act, provided, that the said Commissioners or their sureties shall be responsible for all moneys so deposited."

Amendment lost.

Mr. Doom moved to amend section 8, lines 7 and 8, by striking out the words "and they shall be allowed for contingent expenses, further sums, not exceeding five hundred dollars in any one year," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Doom, Freeman, Hascall, Patrick, Sheldon and Rogers—7.

For the negative, Messrs. Davis, Holden, Majors, Presson, Reeves and Wardell—6.

Mr. Rogers moved to amend section 8 by adding "provided further, that said Commissioners shall not be authorized to expend, under this section, a greater sum than five hundred dollars," which was determined in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Patrick and Rogers—4.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Doom moved to amend section 9 in 2d line, after the word "building," by inserting "the foundation of which shall be stone, and the superstructure of either stone or brick," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Davis, Doom, Freeman, Hascall, Holden, Patrick, Reeves, Sheldon, Wardell and Rogers—10.

For the negative, Mr. Presson—1.

Mr. Doom moved to amend section 10 by striking out the words "the usual commission," and inserting in lieu thereof, the words "not exceeding five per cent on the contract price," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Patrick, Reeves, Sheldon, Wardell and Rogers—10.

For the negative, Messrs. Holden, Majors and Presson—3.

Mr. Doom moved to amend section 10, in the 15th line, by striking out all after the words "Capitol City" in said line.

Amendment lost.

Mr. Rogers moved to amend section 10 in 5th line, by striking out the words "two weeks," and inserting "three months," which was decided in the affirmative, as follows:

For the affirmative, Messrs. Baird, Davis, Doom, Freeman, Hascall, Patrick and Rogers—7.

For the negative, Messrs. Holden, Majors, Presson, Reeves, Sheldon and Wardell—6.

Mr. Rogers moved to amend section 10 in 7th line, after the word "bond," by inserting the words "if not less than double the contract price."

Amendment adopted.

Mr. Freeman moved to amend section 10 in 9th line, after the word "if," by inserting the words "any such bids shall exceed the regular price of construction."

Amendment lost.

Mr. Presson moved to amend section 10 by striking out "November, A. D. 1868," and inserting the words, "as soon as practicable."

Amendment adopted.

Mr. Rogers moved to amend section 11 by the proviso, "that the peniten-

tiary shall be located in Richardson County," which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Patrick moved to amend section 11 by the following:

The State University and the State Agricultural College, shall be united as one Educational Institution, and shall be located within the corporate limits of Nebraska City, at such place as the Council or Mayor thereof may select, was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Patrick moved to amend section 11 by the following:

The State University and the State Agricultural College, shall be united as one Educational Institution, and shall be located within the County of Washington, at such place as the County Commissioners may select, which was decided in the negative, as follows:

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Patrick moved to amend section 12 by striking out the words "Capitol City," and inserting "Lincoln" in lieu thereof.

Amendment adopted.

Mr. Doom moved to amend section 13, in the 4th line, after the word "remove," by inserting the words, "within three months."

Amendment adopted.

Mr. Doom moved to add, as section 14, the following:

The said Commissioners shall make a full and complete report to the next Legislature of all their doings, specifying to whom, for what service or material, and the amount paid to each person, the number of lots sold, to whom and for what amount the contract or contracts were let, together with a copy of all such contracts; and said Commissioners and their sureties shall be held responsible, on their bonds, for all their acts, until the Legislature shall order the said bonds to be delivered up to said Commissioners.

Amendment adopted.

Mr. Rogers moved the following be adopted as an additional section:

Provided, That after the selection is made, and before the contracts are let for the erection of the building, the Governor shall issue his proclamation, declaring the location, and calling upon the people to ratify or reject the location of the Capitol, by a special election to be held at a time to be named in said proclamation, in the usual places and manner of holding elections, and the returns to be forwarded and canvassed in the same time and manner as for the election of State officers. If a majority of the votes polled shall be

in favor of the location, the contract shall be let as before provided, but if a majority are against the location, no contract or further proceedings shall be had under, or by virtue of this act. Any person fraudulently voting at such election, shall be liable to all the penalties for fraudulent voting as in other cases.

The vote stood, ayes, 5, nays, 8.

For the affirmative, Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative, Messrs. Davis, Doom, Holden, Majors, Preeson, Reeves, Sheldon and Wardell—8.

Mr. Rogers moved the following as an additional section:

The Commissioners aforesaid shall not enter into any contract for the erection of a Capitol building, under, or by virtue of any section of this act, until there shall be a sufficient amount of money to the credit of the State building fund, or under the control of said Commissioners, and which they have authority to use for that specific purpose, to pay for the erection of the building aforesaid, provided that the work may be divided and let in separate contracts, as fast as funds are received, for the completion of each successive separate contract.

The vote stood, ayes, 5, nays, 8.

For the affirmative—Messrs. Baird, Freeman, Hascall, Patrick and Rogers—5.

For the negative—Messrs. Davis, Doom, Holden, Majors, Preeson, Reeves, Sheldon and Wardell—8.

On motion of Mr. Majors, ordered that the bill be engrossed for third reading to-day.

On motion of Mr. Davis, the Senate took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

Senate met at 3 o'clock P. M.

On motion of Mr. Doom, the Senate proceeded to consider the amendments of the House to S. No. 16, An act to provide for the election of District Attorneys, and to define their duties.

On motion of Mr. Doom, it was

Resolved, That the Senate concur therein.

The Senate proceeded to consider H. No. 44, Joint resolution of thanks to the Smithsonian Institute.

The House having refused to concur in the amendments of the Senate to said bill, and a division of the question being called for, it was

Resolved, That the Senate recede from its first amendment.

The ayes and nays being demanded on the second amendment, the vote stood, ayes, 4, nays, 7.

For the affirmative—Messrs. Doom, Freeman, Hascall and Patrick—4.

For the negative—Messrs. Davis, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—7.

So it was resolved that the Senate do non-concur.

On motion of Mr. Hascall,

Resolved, That the Senate concur in the amendments of the House to section 4 of S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same.

On motion of Mr. Reeves,

Resolved, That the Senate do now concur in the amendments of the House to section 10 of said bill.

On motion of Mr. Patrick,

Resolved, That the Senate concur in the amendments to section 11 of said bill.

The President appointed the same Committee of conference on the disagreement of the two Houses to S. No 1, An act to require the Secretary to contract for certain printing.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska, with amendments.

Also, H. No. 61, An act to provide for a special term of Court, in the County of Cass, in which I am directed to ask the concurrence of the Senate.

On motion of Mr. Davis, the concurrent resolution of the House, appointing a Joint Committee to visit the prison in the City of Omaha, and make a report thereon, was adopted, and Messrs. Davis and Freeman were appointed the Committee on the part of the Senate.

On motion of Mr. Hascall,

Resolved, That the Senate non-concur in the amendments of the House to S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

On motion of Mr. Doom, the rules were suspended, by a three-fourths vote of the Senate, and H. No. 61, An act to provide for holding a special term of court in the County of Cass, was read the first, second and third times.

On motion of Mr. Presson, the first section was amended so as to read: Be it enacted by the Legislature of the State of Nebraska.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee

of the Whole, S. No. 29, An act to apportion the members of the Senate and House of Representatives, Mr. Wardell as Chairman.

The Committee rose and reported various amendments.

On motion of Mr. Davis, the report was adopted.

On motion of Mr. Majors, ordered that the bill be engrossed.

Mr. Reeves, from the Committee, reported S. No. 44 correctly engrossed.

An act to provide for the location of the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat.

On motion of Mr. Presson, S. No. 44 was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

For the negative—Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

Mr. Reeves, from the Committee on Enrolled bills, reported having presented to the Governor for his signature, at thirty minutes past 5 o'clock, S. No. 33, An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun.

On motion of Mr. Baird, the Senate adjourned.

SENATE CHAMBER,
Tuesday, June 11, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll Called.

Journal read and approved.

Mr. Sheldon, from the Committee on Highways, reported H. No. 42, An act to locate a State road in Washington and Douglas Counties, with an amendment.

S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, with an amendment.

Mr. Presson, from the Committee on Public Buildings, reported H. No. 41, An act to provide for procuring a seal for the State of Nebraska, without amendment.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has agreed to the amendment made by the Senate to H. No. 61, An act to provide for a special term of court in the County of Cass.

Mr. Reeves, from the Special Committee to whom was referred H. No. 35, An act to amend section one of an act entitled, An act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska, reported a substitute to said bill, and recommended its passage.

Mr. Davis asked and obtained leave to introduce S. No. 56, An act to donate 156 sections of the public lands to the Northern Nebraska Air Line R. R. Company, which was read the first time.

Mr. Davis moved a suspension of the rules, that the bill might be read the second time, which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Wardell—9.

For the negative—Messrs. Baird and Freeman—2.

Mr. Holden introduced S. No. 57, An act to provide for an election, preliminary to the calling of a Constitutional Convention, which was read the first time.

S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and buildings in said City, and provide means for the erection of public buildings, was read the second time, and referred to the Committee on Public Lands.

S. No. 51, An act to amend section 336 of chapter 29, of the R. S. Nebraska, was read the second time, and referred to the Judiciary Committee.

S. No. 54, An act providing for the appointment of an Adjutant of the State, and to define his duties, was read the second time, and referred to the Committee on Military Affairs.

S. No. 55, An act for the organization of Counties, was read the second time, and referred to the Committee on Counties.

H. No. 8, Joint resolution, ratifying the proposed amendment to the Constitution of the United States, was read the second time, and referred to the Committee on Federal Relations.

H. No. 56, An act to appropriate a portion of the money refunded to this State by the General Government, to the payment of current and contingent expenses for the year 1867, was read the second time.

Mr. Davis moved the rules be suspended, that the bill might be read the third time, and put upon its passage, which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Holden and Presson—5.

For the negative—Messrs. Freeman, Hascall, Majors, Reeves, Sheldon and Wardell—6.

Mr. Majors moved the bill be referred to the Committee on Finance, Ways and Means, with instructions to wait upon the State Treasurer, and ascertain why, if so, there is not funds in his hands for defraying the necessary expenses of the Legislature, &c., and report to this body, at the earliest possible moment, which was agreed to.

S. No. 52, An act to provide for the leasing of the school lands of the State

of Nebraska, was read the second time, and referred to the Committee on Education.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the Whole, bills reported from committees.

On motion of Mr. Wardell, the Committee rose and reported some progress on H. No. 10, An act to provide a contingent fund, for the current expenses of the Senate and House of Representatives of the State of Nebraska.

Mr. Reeves, from the Committee on Enrolled bills, presented S. No. 16, An act to provide for the election of District Attorneys, and to define their duties, when the President signed the same.

On motion of Mr. Wardell, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate met at 2 o'clock P. M.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the Whole, bills reported from committees, Mr. Doom as Chairman.

Mr. Doom announced a substitute for H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives, to define their duties, and establish their pay.

After various amendments, the Committee rose and reported the bill back, without recommendation.

Also, S. No. 8, An act to define the duties and liabilities of R. R. Companies, with amendments, to be engrossed for third reading to-morrow.

Mr. Wardell moved the adoption of the report on S. No. 8, to define the duties and liabilities of R. R. Companies.

Mr. Hascall moved to amend by striking out, in the bill, all that part relating to fencing of railroads; which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Freeman and Hascall—3.

For the negative—Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

The question recurring upon the original motion, was decided in the affirmative.

Mr. Reeves, from the Committee, reported the following bill correctly enrolled, when the President signed the same.

S. No. 16, An act to provide for the election of District Attorneys, and to define their duties.

Mr. Reeves also reported S. No. 29 as correctly engrossed.

An act to apportion the members of the Senate and House of Representatives.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the following titles, viz:

H. No. 38, An act to provide for the funding of the warrants of Douglas County.

H. No. 49, An act to amend section 17 of chapter 19, of the R. S. Nebraska, entitled, Fees.

H. No. 55, An act to amend an act to restrain stock from running at large during the night time, in Johnson County, Nebraska, approved February 16, 1867.

The House has passed bills of the Senate, of the following titles, viz :

S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies.

S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity.

S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real estate, severally with amendments, in which I am directed to ask the concurrence of the Senate.

S. No. 14, An act providing for the dismissal of certain actions in vacation, without amendment.

The House insists upon its amendments to S. No. 2, disagreed to by the Senate, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska, and ask a conference on the disagreeing votes of the two Houses thereon, and have appointed Messrs. Woolworth, Kelley and Fuller, the managers at the said conference, on the part of the House.

The House has receded from its 2d amendment, disagreed to by the Senate, to S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same.

The House insists upon its non-concurrence to the second amendment of the Senate to H. No. 44, Joint resolution of thanks to the Smithsonian Institute, and ask a conference on the disagreeing votes of the two Houses thereon, and has appointed Messrs. Fuller, Cadman and Crawford, the managers at the said conference, on the part of the House.

The House has passed a bill of the Senate of the following title, viz :

S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, approved February 12, 1867, without amendment.

The House has passed bills of the following titles, viz :

H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska.

H. No. 34, An act to give the 10th section of title 2d, entitled, Time of commencing civil actions, of part 2d, entitled, Code of civil procedure, of the R. S. Nebraska, a proper construction.

H. No. 43, An act to provide for the protection of stock from contagious diseases.

H. No. 46, An act to amend section 2, chapter 36, of the R. S. Nebraska, entitled, Mills, and mill dams.

H. No. 47, An act to authorize the State Treasurer to purchase United States bonds, and redeem the bonds issued for the payment of the militia of the State of Nebraska, in which I am directed to ask the concurrence of the Senate.

Mr. Reeves, from the Joint Committee on Enrolled bills, reported as having presented to the Governor, for his signature, at 15 minutes past 12 o'clock, M., S. No. 16, An act to provide for the election of District Attorneys, and to define their duties.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
June 11, 1867. }

Mr. President:

The Governor directs me to notify your honorable body, that he has this day approved and signed an act, entitled, An act to vacate certain portions of the Calhoun City Company's addition to Fort Calhoun, in Washington County, Nebraska.

Also, an act entitled, An act to provide for the election of District Attorneys, and to define their duties.

C. H. GERE, *Private Secretary.*

On motion of Mr. Presson,

Resolved, That S. No. 29, An act to apportion the members of the Senate and House of Representatives, be made a special order on to-morrow at 10 o'clock A. M.

On motion of Mr. Wardell, Messrs. Doom and Davis were appointed a Committee of conference, on the disagreeing votes of the two Houses, on the amendments made by the House to S. No. 2, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

The President appointed Messrs. Reeves and Davis, the Committee of conference on the part of the Senate, upon the disagreement of the two Houses upon H. No. 44, Joint resolution of thanks to the Smithsonian Institute.

Mr. Wardell moved to adjourn.

Disagreed to.

The Senate proceeded to consider the amendments of the House to S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

On motion, it was

Resolved, That the Senate non-concur therein, the vote being as follows:

For the affirmative—Messrs. Davis, Holden, Majors and Presson—4.

For the negative—Messrs. Baird, Freeman, Hascall and Mr. President—4.

The Senate proceeded to consider amendments made by the House to S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real estate.

Resolved, That the Senate concur therein.

On motion of Mr. Doom, ordered that S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity, be recommitted to a Special Committee, for the consideration of the amendments made by the House.

The President appointed Messrs. Doom, Reeves, Wardell and Hascall, said Committee.

On motion of Mr. Freeman, the Senate adjourned.

SENATE CHAMBER,

Wednesday, June 12, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Reeves, from the Committee, reported as correctly enrolled, H. No. 61, An act to provide for a special term of Court for the County of Cass, when the President signed the same.

Mr. Holden submitted a majority report upon S. No. 50, An act to repeal sections 88, 89 and 90, of chapter 46 of the R. S. Nebraska, entitled, Revenue, without amendments, and recommended its passage.

Mr. Presson, from the Committee on Finance, reported S. No. 48, An act to repeal section 27 of chapter 19, of the R. S. Nebraska, without recommendation.

Mr. Sheldon, from the Committee on Federal Relations, to whom was referred the certified copy of the proposed amendment to the Constitution of the United States, also, H. No. 8, Joint resolution, ratifying the proposed amendment to the Constitution of the United States, reported the joint resolution, without amendment, and recommended its passage.

Mr. Baird, from the Committee on Counties, reported S. No. 55, An act for the organization of Counties, without amendment.

Mr. Holden, from the Committee on Expenditures, reported H. No. 22, An act to amend section 23 of chapter 19, of the R. S. Nebraska, entitled, Fees, that the same be indefinitely postponed.

Mr. Sheldon, from the Committee on Federal Relations, reported S. No. 59, Joint resolution and memorial for a mail route, without amendment.

Mr. Hascall, from the Committee on Incorporations, reported S. No. 49, An act to repeal an act to incorporate the South Nebraska R. R. Company, without amendment.

Mr. Doom, from the Special Committee to whom was referred the amendments proposed by the House to S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law and suits in equity, reports that the Senate do non-concur in said amendments.

On motion of Mr. Davis, the report was adopted.

Mr. Reeves asked and obtained leave to introduce S. No. 58, An act to authorize the Atchison and Nebraska City R. R. Company to extend their R. R. through Nebraska, which was read the first time.

H. No. 38, An act to provide for the funding of the warrants of Douglas County, was read the first time.

On motion of Mr. Doom, the rules were suspended by a three-fourths' vote of the Senate, and the bill read the second time, and referred to the Douglas County Delegation.

H. No. 49, An act to amend section 17 of chapter 19, of the R. S. Nebraska, entitled, Fees, was read the first time.

Mr. Majors moved the rules be suspended, and the bill be read the second time, which was decided in the negative.

H. No. 55, An act to amend an act to restrain stock from running at large during the night time, in Johnson County, Nebraska, was read the first time.

On motion of Mr. Holden, the rules were suspended by unanimous consent, and the bill read the second time, and referred to the Committee on Agriculture.

H. No. 24, An act to give the 10th section of title 2d, entitled, Time of commencing civil actions, of part 2d, entitled, Code of civil procedure, of the R. S. Nebraska, a proper construction, was read the first time.

On motion of Mr. Davis, the rules were suspended by unanimous consent, and the bill read the second time, and referred to the Judiciary Committee.

H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska, was read the first time.

H. No. 43, An act to provide for the protection of stock from contagious diseases, was read the first time.

H. No. 46, An act to amend section 2d, chapter 36, of the R. S. Nebraska, entitled, Mills and mill dams, was read the first time.

H. No. 47, An act to authorize the State Treasurer to purchase U. S. Bonds, and redeem the bonds issued for the payment of the militia of the State of Nebraska, was read the first time.

On motion of Mr. Davis, the rules were suspended by a three-fourths' vote of the Senate, and the bill read the second time, and referred to the Committee on Finance, Ways and Means.

Ten o'clock A. M., being the hour set apart for the special order, having arrived, S. No. 29, An act to apportion the members of the Senate and House of Representatives, was read the third time.

After debate, the President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

For the negative—Messrs. Baird, Freeman and Hascall—3.

S. No. 57, An act to provide for an election, preliminary to the calling of a Constitutional Convention, was read the second time, and referred to the Committee on Elections.

S. No. 57, An act to donate 156 sections of the public lands to the Northern Nebraska Air Line R. R. Company, was read the second time.

Mr. Davis moved its reference to the Committee on Public and State Lands.

Mr. Freeman moved it be referred to the Committee on Incorporations.

Motion of Mr. Davis agreed to.

On motion of Mr. Davis, the rules were suspended by unanimous consent, for the consideration of bills on third reading.

S. No. 34, An act to define the duties of State Librarian, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

S. No. 39, An act to prescribe the fees of certain officers, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

S. No. 36, An act to require the payment of certain costs upon the commencement of suits in the District or Supreme Court, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman, Reeves and Wardell—3.

S. No. 37, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and Alimony, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Presson, Wardell and Mr. President—8.

For the negative—Messrs. Davis, Reeves and Sheldon—3.

S. No. 49, An act to repeal section 34 of chapter 19, of the R. S. Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Presson, Reeves and Sheldon—8.

For the negative—Messrs. Freeman and Wardell—2.

Mr. Reeves, from the Committee, reported as correctly enrolled, Senate bills No. 14, 18 and 19, when the President signed the same.

Mr. Reeves, from the same Committee, reported as having presented to the Governor, for his signature, at 40 minutes after 11 o'clock A. M., the following bills, viz:

S. No. 14, An act providing for the dismissal of certain actions in vacation.

S. No. 18, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same.

S. No. 19, An act to amend an act, entitled, An act to incorporate Falls City, in Richardson County, approved February 12, 1867.

Mr. Presson moved S. No. 38, An act to give the complaining witness one-half of all fines collected in cases of misdemeanor, be ordered engrossed for third reading.

Mr. Hascall moved the bill be indefinitely postponed.

Disagreed to.

Original motion agreed to.

On motion of Mr. Presson, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Called to order at 2 o'clock, P. M.

Mr. Davis moved a call of the House.

Absent, Messrs. Baird, Doom, Freeman, Majors and Patrick.

On motion of Mr. Davis, all further proceedings under the call were dispensed with.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the Whole, bills reported from Standing Committees.

On motion of Mr. Majors, the Committee rose and reported:

S. No. 45, An act to locate the Capitol, State University, and Agricultural College, that it lie upon the table.

S. No. 41, An act to define Senatorial and Representative Districts, and apportion Senators and Representatives, that the bill be indefinitely postponed.

H. No. 41, An act to provide for procuring a seal of the State of Nebraska, that the bill do pass.

H. No. 37, An act to appoint a State Agent, that it be re-committed to a Special Committee.

H. No. 35, An act to amend section 1 of an act, entitled, An act to restrain stock from running at large in Deleware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska, that a substitute be adopted therefor, of the same title.

S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, Nebraska, with amendments, to be engrossed for third reading to-morrow.

On motion, the reports were severally adopted.

Messrs. Doom, Hascall and Majors were appointed the Special Committee for the consideration of H. No. 37, An act to appoint a State Agent.

The following bills were reported back, and the further consideration of the report laid over.

H. No. 47, An act to amend an act, entitled, An act to incorporate the Interior Mining and Manufacturing Company, approved February 18, 1867.

H. No. 42, An act to locate a State road in Washington and Douglas Counties.

The following message was received from the Governor :

EXECUTIVE OFFICE,
June 12, 1867.

Mr. President:

The Governor directs me to notify your honorable body that he has this day approved and signed an act, entitled, An act to define the boundaries of the Judicial Districts, and to assign Justices to the same.

Also, An act for the dismissal of certain actions in vacation.

Also, An act to amend an act, entitled, An act to incorporate Falls City, Richardson County, approved February 12, 1867.

C. H. GERE, *Private Secretary.*

On motion of Mr. Majors, the Senate adjourned.

SENATE CHAMBER,
Thursday, June 13, 1867.

The Senate met pursuant to adjournment.

Prayer,

Roll called.

Journal read and approved.

Mr. Davis presented a petition from citizens of Washington and Dodge Counties, relative to a State road from Cuming City, Washington County, to Fremont, in Dodge County, which was read and referred to the Committee on Highways.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives insists upon its amendments, disagreed to by the Senate, to the bill of the Senate, S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity.

Ask a conference on the disagreeing votes of the two Houses thereon, and have appointed Messrs. Woolworth, Kelley and Fuller the managers on the part of the House.

The House insists upon their amendments, disagreed to by the Senate, to the bill of the Senate, S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies.

Ask a conference on the disagreeing votes of the two Houses thereon, and have appointed Messrs. Bennet, Fuller and Unthank the managers on the part of the House.

The House has passed a bill of the following title, viz:

H. No. 54, An act to amend section 2 of chapter 12, of the R. S. Nebraska,

entitled, County Seats, in which I am directed to ask the concurrence of the Senate.

On motion of Mr. Reeves, Messrs. Doom and Hascall were appointed a Committee of Conference, upon S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity, and Messrs. Wardell and Presson upon S. No. 10, An act to declare the cases offices shall be deemed vacant, and to provide for filling the vacancies.

Mr. Reeves, from the Committee, reported the following bills correctly engrossed.

S. No. 8, An act to define the duties and liabilities of R. R. Companies.

S. No. 38, An act to give the complaining witness one-half of all fines collected in cases of misdemeanor.

Mr. Majors, from the Committee on Elections, reported S. No. 57, An act to provide for an election, preliminary to the calling of a Constitutional Convention, without recommendation.

Mr. Hascall, from the Douglas County Delegation, reported H. No. 38, An act to provide for the funding of the warrants of Douglas County, without amendment.

Mr. President and Gentlemen of the Senate:

The Special Committee charged with the duty of inquiring into the present condition of the State Treasury, have performed the duty assigned them, and ask leave to report that the Treasurer afforded us every necessary facility to the discharge of our duty, and we find that the Territorial General Fund is now over-drawn about three hundred dollars.

Quite a large amount of money has been paid into the Treasury during the last month, but it has been paid out in the redemption of outstanding warrants, which were many of them bearing interest at the rate of ten per cent. per annum.

The Committee also conferred with the Treasurer upon the propriety of investing the funds received from the General Government, in liquidation of our claims for expenses incurred in the late war, in Government bonds, and were informed by him that it would be a proceeding of doubtful propriety, as in the event of a stringent money market, it might be practicable to redeem the State bonds on fair terms.

The Committee would further submit, for the consideration of the Senate, that the value of U. S. securities fluctuate from time to time, so much that a given amount of bonds might be purchased to-day, and at the end of six months the bonds and accumulated interest might fail to be worth the original cost.

The Committee being unable to foresee the contingencies which may control the money market, respectfully decline making any recommendation upon the subject.

Respectfully submitted,

MILLS S. REEVES,
OSCAR HOLDEN,
W. A. PRESSON.

OFFICE OF STATE TREASURER,
June 13, 1867.

To the House Committee on Finance, Ways and Means:

GENTLEMEN: I have the honor to hand you an abstract, showing the present condition of the several funds of the State Treasury. From this you will observe that the General Fund account is now over-drawn, or over-paid, \$569.65. In order that the warrants drawn upon this fund may be cashed when presented to the Treasurer for payment, it will be necessary for the Legislature to transfer from the Special Fund account such an amount as the Legislature may deem proper, as I am not authorized by law to use or direct the said Fund, until the Legislature make provisions to that effect.

Very respectfully yours,

A. KOUNTZE, Treasurer.

Receipts and disbursements of General Fund since May 1, 1867.

Received from County Treasurer since May 1, \$10,695 68

Overdrawn by report, May 1 \$87 68

Warrants paid since \$11,177 65

Total - \$11,265 33

Overdrawn at this date \$569 65

Omaha, Nebraska, June 13, 1867.

SINKING FUND.

On hand, May 1 \$4,945 73

Receipts since 6,126 98

On hand at this date \$11,072 71

Omaha, Nebraska, June 13, 1867.

On hand, Conscience Fund \$75 00

Special Fund from the United States \$27,000 00

Respectfully yours,

A. KOUNTZE, Treasurer.

Mr. Freeman asked and obtained leave to introduce S. No. 63, Joint resolution, relative to Indian troubles, which was read the first time.

Mr. Doom asked and obtained leave to introduce the following bills:

S. No. 61, An act to amend section 29 of chapter 2, title 5, of the code of civil procedure, entitled, Service of summons, read the first time.

S. No. 62, An act to provide for the appointment of Clerks of District Courts, read the first time.

Mr. Rogers asked and obtained leave to introduce S. No. 60, An act to provide for the disposition of unclaimed lots, entered by corporate authorities, which was read the first time.

H. No. 54, An act to amend section 2 of chapter 12, of the R. S. Nebraska, entitled, County Seats, was read the first time.

On motion of Mr. Doom, the rules were suspended by a three-fourths vote of the Senate, and the several bills, S. Nos. 60, 61, 62, and H. No. 54, were read the second time, and S. Nos. 60, 61 and 62, were referred to the Judiciary Committee, and H. No. 54, to the Committee on Elections.

On motion of Mr. Davis, H. No. 42, An act to locate a State road in Washington and Douglas Counties, was ordered to a third reading to-day.

Mr. Hascall moved S. No. 47, An act to amend an act, entitled, An act to incorporate the Interior Mining and Manufacturing Company, approved February 18, 1867, be ordered to a third reading.

Mr. Reeves moved the following amendment, by striking out that part in section 3d, reading "and the stockholders shall not be individually liable for the debts of the Company, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Reeves, Sheldon, Wardell and Mr. President—9.

For the negative—Messrs. Holden and Presson—2.

Mr. Hascall moved to amend Section 3d by adding, "and the stockholders shall not be held individually liable beyond the extent of stock by them severally subscribed," which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Hascall, Holden and Presson—4.

For the negative—Messrs. Davis, Doom, Freeman, Reeves, Sheldon, Wardell and Mr. President—7.

Mr. Hascall moved the bill lie upon the table, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

S. No. 58, An act to authorize the Atchison and Nebraska City R. R. Company to extend their R. R. through Nebraska, was read the second time.

Mr. Doom moved the bill be referred to the Committee on Incorporations.

Mr. Wardell moved to amend by adding, "and Mr. Reeves shall constitute one of the members of said Committee, which was agreed to.

Motion of Mr. Doom, as amended, agreed to.

Mr. Doom submitted the following report upon S. No. 2, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

Mr. President:

The Committee of Conference of the two Houses upon S. No. 2, have agreed upon the following amendments to said bill:

Strike out of the first section the following: "The Supreme Court of the State of Nebraska shall be, and is hereby made the successor of the Supreme Court of the Territory of Nebraska," and insert between the words "that," and "all," the words, "the records in."

Strike out of the second section, the words "the District Courts in the several Judicial Districts, and in the respective Counties therein in the State

of Nebraska, shall be, and are hereby made the successors of the District Courts of the several Judicial Districts of the Territory of Nebraska," and insert at the commencement of the section, the words, "the records in."

Add as section 3, new section, "The passage of this act shall be deemed, and operate as notice to all parties litigant in any of said Courts, and immediately thereupon, the said causes shall be deemed commenced and pending in the respective Courts of this State, into which, by the first and second sections of this act, said records shall be removed."

J. M. WOOLWORTH, *Chairman on part of the House.*

J. E. DOOM, }
J. T. DAVIS, } *Chairmen on part of the Senate.*

Mr. Davis moved the report be adopted, which resulted in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman and Mr. President—4.

For the negative—Messrs. Hascall, Majors, Presson, Reeves, Sheldon and Wardell—6.

Ordered, that the Secretary report the same to the House of Representatives.

H. No. 49, An act to amend section 17 of chapter 19, of the R. S. Nebraska, entitled, Fees, was read the second time, and referred to the Committee on Printing.

H. No. 46, An act to amend section 2, chapter 36, of the R. S. Nebraska, entitled, Mills and mill dams, was read the second time, and referred to the Committee on Incorporations.

H. No. 43, An act to provide for the protection of stock from contagious diseases, was read the second time, and referred to Committee of the whole.

H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska, was read the second time, and referred to the Committee on Public and State Lands.

On motion of Mr. Davis, S. bills No. 49 and 59, were ordered to a third reading.

S. No. 49, An act to repeal an act to amend an act to Incorporate the South Nebraska R. R. Company.

S. No. 59, Joint resolution and memorial for a mail route.

Mr. Reeves, from the Committee, reported as truly enrolled, S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real estate, when the President signed the same.

On motion of Mr. Wardell, the Senate took a recess until 1 o'clock, P. M.

AFTERNOON SESSION.

Called to order at 1 o'clock.

On motion of Mr. Davis, the rules were suspended by a three-fourths vote of the Senate, for the consideration of bills on third reading.

S. No. 49, An act to repeal an act, to amend an act, to incorporate the South Nebraska R. R. Company, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Presson, Reeves and Wardell—7.

For the negative—Messrs. Sheldon and Mr. President—2.

S. No. 59, Joint resolution and memorial for a mail route, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

Sub. H. No. 35, An act to amend an act, to restrain stock from running at large in Deleware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Wardell and Mr. President—10.

For the negative—Mr. Sheldon—1.

H. No. 41, An act to provide for procuring a seal for the State of Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

H. No. 42, An act to locate a State road in Washington and Douglas Counties, was read the third time.

On motion of Mr. Davis, the bill was re-committed to a Special Committee, consisting of the Washington County Delegation, with instructions to report instant.

The Committee reported, with an amendment, to strike out the three first lines, and insert in lieu thereof, the following: "Be it enacted by the Legislature of the State of Nebraska."

Report adopted, and ordered that the amendment be engrossed for third reading to-day.

S. No. 38, An act to give the complaining witness one-half of all fines collected in cases of misdemeanor, was read the first time.

The President put the question, "Shall the bill pass?" which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Presson and Mr. President—4.

For the negative—Messrs. Freeman, Hascall, Holden, Majors, Reeves, Sheldon and Wardell—7.

S. No. 8, An act to define the duties and liabilities of R. R. Companies, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative.

For the affirmative, as follows—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President.

For the negative—Messrs. Freeman and Hascall—2.

Mr. Reeves, from the Joint Committee on Enrolled bills, reported as having presented to the Governor for his signature, at 25 minutes after 2 o'clock P. M., S. No. 21, An act to amend chapter 43 of the R. S. Nebraska, entitled, Real estate.

Also, from the Committee, as correctly engrossed, S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, in Cuming County, Nebraska.

On motion of Mr. Wardell, the Senate proceeded to consider, in Committee of the whole, bills reported from Committees, Mr. Majors in the Chair.

On motion of Mr. Reeves, the Committee rose for the introduction of reports.

The Chairman reported S. No. 43, An act to provide for the registration of the voters of the State, with various amendments, to be engrossed for third reading.

The Committee of Conference on the disagreeing votes of the two Houses on S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, reported the same back, and recommended that the House recede from its amendment to section 4, and recommend the following amendment, viz:

Provided, That ninety days shall be allowed the present Judges to comply with the provisions of this section.

Also, that the House adhere to its amendment to section 5, Mr. Wardell dissenting from the latter opinion.

J. B. BENNET,

W. A. PRESSON,

J. A. UNTHANK,

A. B. FULLER,

W. W. WARDELL.

On motion of Mr. Reeves

Resolved, That the Senate adhere to its disagreement to the amendments of the House to S. No. 1, An act to require the Secretary to contract for certain printing.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the Senate, of the following title:

S. No. 44, An act to provide for the location of the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat, without amendment.

Mr. Majors, from the Committee on Military Affairs, reported S. No. 54, An act providing for the appointment of an Adjutant General of the State, and to define his duties, without recommendation.

FRIDAY, JUNE 14, 1867.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
June 13, 1867.*Mr. President:*

The Governor directs me to notify your honorable body that he has this day approved and signed an act, entitled, An act to amend section thirty-eight, chapter forty-three, of the R. S. Nebraska, entitled, Real estate.

C. H. GERE, *Private Secretary.*

On motion of Mr. Freeman, the Senate resumed the consideration of bills, in Committee of the whole, Mr. Holden in the Chair.

On motion of Mr. Majors, the Committee rose and reported.

H. No. 8, Joint resolution, ratifying the proposed amendment to the Constitution of the United States, without amendment, that it do pass.

S. No. 28, An act to locate, establish and endow, a State Normal School, with sundry amendments, and that it be re-committed to a Special Committee.

Report adopted.

Messrs. Majors, Doom and Reeves were appointed said Committee.

Mr. Doom, from the Committee, reported S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and building in said City, and provide means for the erection of public buildings, without amendment, and recommended its passage.

Mr. Reeves, from the Committee, reported the amendment as correctly engrossed, to H. No. 42, An act to locate a State road in Washington and Douglas Counties.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has adopted the report of the Committee of Conference, on the disagreeing votes of the two Houses, on S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

On motion of Mr. Wardell, the Senate adjourned.

SENATE CHAMBER,
Friday, June 14, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Presson, from the Committee on Finance, reported H. No. 56, An act to appropriate a portion of the money refunded to the State by the General

Government, to the payment of current and contingent expenses, for the year 1867, without amendment.

Mr. Sheldon from the Committee on Agriculture, reported H. No. 55, An act to restrain stock from running at large during the night time, in Johnson County, Nebraska, approved February 16, 1867, without amendment.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has adopted the report of the Committee of Conference on the disagreeing votes of the two Houses, upon the amendments of the House to S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings, in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

The House has agreed to the amendment of the Senate, by way of substitute, to H. No. 35, An act to amend section 1 of an act, entitled, An act to restrain stock from running at large in Deleware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska.

The House has passed a bill of the Senate, of the following title, viz:

S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads, with amendments, in which I am directed to ask the concurrence of the Senate.

Mr. Majors, from the Committee on Elections, reported H. No. 54, An act to amend chapter 12 of the R. S. Nebraska, entitled, County Seats, without amendment.

Mr. Davis, from the Committee on Education, reported S. No. 27, An act to amend section 15, of chapter 48, entitled, Schools, without amendment.

Mr. Hascall, from the Judiciary Committee, reported S. No. 62, An act to provide for the appointment of Clerks of the District Court, with amendments.

Mr. Doon, from the Committee on Public and State Lands, reported H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska, without amendment.

Mr. President:

The Committee on Public and State Lands, to whom was referred S. No. 65, An act to donate 156 sections of the public lands to the Northern Nebraska Air Line R. R. Company, have had the same under consideration, and beg leave to report, that the Northern Nebraska Air Line R. R. Company is a Company organized under the general incorporation laws of this State.

Your Committee find, upon examination, that there has already been organized, under the general incorporation laws, the following Rail Road Companies:

The Kansas and Nebraska R. R. Company, commencing at a point in Richardson County, running thence to connect with the U. P. R. R. Company, in Sarpy County.

The Sioux City and Bellevue R. R. Company, commencing at Bellevue, in Sarpy County, thence to Covington, Dakota County.

The Decatur, Fremont, and Lancaster R. R. Company, commencing at Decatur, in Burt County, thence, via. Fremont, in Dodge County, to Lancaster, in Lancaster County.

The Decatur and Columbus R. R. Company, commencing at Decatur, Burt County, thence to Columbus, in Platte County.

The Union Pacific and Lancaster R. R. Company, from Bellevue, Sarpy County, to Lancaster, in Lancaster County.

The Northern Nebraska Air Line R. R. Company, from Desoto, Washington County, to Fremont, in Dodge County.

The Nemaha Valley R. R. Company, from the point in Richardson County, to Columbus, in Platte County.

The Committee are unable to learn that those Companies have done more than organize.

While your Committee are of the opinion that the best interest of the State require that a portion of the public lands should be given to aid such intentional improvements as are calculated to develop the resources of the State, prominent among which are Rail Roads and bridges over the Platte River. But your Committee feel that this Legislature was not elected with a view to such distribution of the public lands, and are firmly of the opinion that any such disposition of the lands by this Legislature, is premature and unwise. We would suggest that when such donations are made, it should be after the people have had time to canvass the claims of the different objects for which aid is sought. Your Committee, therefore, while acknowledging the merits of the R. R. contemplated by this bill, would respectfully recommend that the bill do not pass.

J. E. DOOM,
W. A. PRESSON.

Mr. Doom, from the Judiciary Committee, reported S. No. 61, An act to amend section 79 of chapter 2, title 5, of the code of civil procedure, entitled, Service of summons, with amendments.

Mr. Hascall, from the same Committee, submitted a minority report upon said bill, recommending its indefinite postponement.

Mr. Hascall, from the Special Committee, to whom was referred H. No. 30, An act to locate a State road from the north-east corner of section 8, town 14, range 11, in Douglas County, to the point on the State road from Forest City, in Sarpy County, to the south line of Washington County, where said road intersects the boundary line between Sarpy and Douglas Counties, reported the same, without amendment.

Mr. Majors, from the Special Committee, to whom was re-committed S. No. 28, An act to locate, establish and endow, a State Normal School, reported sundry amendments, and recommended its passage.

Mr. Reeves, from the Committee, reported as truly enrolled, S. No. 44, An act to locate the Seat of Government of the State of Nebraska, and provide

for the erection of public buildings thereat, when the President signed the same.

S. No. 63, Joint resolution, relative to Indian troubles, was read the second time.

On motion of Mr. Freeman, the rules were suspended by unanimous consent, and the resolution read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

Mr. Davis moved H. No. 8, Joint resolution, ratifying the proposed amendment to the Constitution of the United States, be ordered to a third reading.

Mr. Hascall moved the following amendment, which was decided in the negative.

Provided, That this act of ratification shall not take effect, except upon the fundamental condition that whenever, within the United States of America, the elective franchise shall be denied to any person, for any cause whatever, except on account of infancy or sex, such person shall not be counted or enumerated in any state or district in the United States, in the enumeration of inhabitants therein, for the purpose of entitling the said state or district to representation in the National Congress, and upon the further fundamental condition, that the said Congress, by solemn public act, shall declare the assent of the United States to the said fundamental condition, and shall transmit to the Governor of this State an authentic copy of said act, upon receipt whereof the Governor shall announce the fact, whereupon the said fundamental condition shall be the law of the land, anything in the Constitution of the United States to the contrary notwithstanding, and thereupon this act shall take effect. President Johnson may convene Congress within thirty days, to give the assent aforesaid.

Mr. Reeves moved the following amendment:

Provided, That the question of the ratification of the amendments to the Constitution of the United States, shall be submitted to the voters of the State, at the next general election, and if a majority of the votes cast at said election shall be against the ratification, then this resolution shall be held as void and inoperative.

The ayes and nays being demanded, the vote stood as follows:

For the affirmative—Messrs. Freeman, Reeves and Wardell—3.

For the negative—Messrs. Davis, Doom, Holden, Presson, Sheldon and Mr. President—6.

Amendment lost.

The question recurring upon the original motion, that the bill be ordered to a third reading, was agreed to.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor for his signature, at ten minutes after 10 o'clock A. M., S. No. 44. An act to locate the Seat of Government of the State of Nebraska, and provide for the erection of public buildings thereat.

On motion of Mr. Doom, S. Sub. No. 10, An act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska, was adopted.

Mr. Presson moved to amend S. No. 3 by striking out all that part relating to pay of President of the Senate, and Speaker of the House of Representatives, which resulted in the negative, as follows:

For the affirmative—Messrs. Davis, Hascall, Majors, Presson, Reeves and Wardell—6.

For the negative—Messrs. Baird, Doom, Freeman, Holden, Patrick and Sheldon—6.

Mr. Baird moved to fill the blank, relative to pay of President and Speaker, by the word "three," which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Doom, Patrick and Sheldon—4.

For the negative—Messrs. Davis, Freeman, Holden, Majors, Presson, Reeves and Wardell—7.

Mr. Holden moved to fill the blank by the word "two," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Holden, Patrick, Sheldon and Mr. President—7.

For the negative—Messrs. Davis, Hascall, Majors, Presson, Reeves and Wardell—6.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has passed a bill of the Senate, of the following title, viz:

S. No. 22, An act to provide for State printing, with amendments, in which I am instructed to ask the concurrence of the Senate.

Mr. Holden moved to fill the blank relative to pay of Secretary of the Senate, and Chief Clerk of the House, by the word "four."

Mr. Reeves moved to fill the blank by the word "three."

Motion of Mr. Holden decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Hascall, Holden, Majors, Patrick, Presson and Mr. President—8.

For the negative—Messrs. Davis, Freeman, Reeves, Sheldon and Wardell—5.

Mr. Holden moved to fill the blank relative to pay of Assistant Clerks by the word "four," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Davis, Holden, Majors, Presson and Mr. President—7.

For the negative—Messrs. Freeman, Hascall, Patrick, Reeves, Sheldon and Wardell—6.

Mr. Holden moved to fill the blank relative to pay of Sergeant-at-Arms, with the words, "three and one-half, which was decided in the negative, as follows:

For the affirmative—Messrs. Hascall, Holden, Patrick, Presson and Sheldon—5.

For the negative—Messrs. Baird, Davis, Doom, Freeman, Majors, Reeves and Wardell—7.

Mr. Presson moved to fill the blank with the word "three," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Majors, Patrick, Reeves, Sheldon and Wardell—10.

For the negative—Messrs. Holden and Presson—2.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

June 14, 1867.

Mr. President:

The Governor directs me to inform your honorable body, that he has this day signed and approved an act, entitled, An act to provide for the location of the Seat of Government of the State of Nebraska, and for the erection of public buildings thereat.

C. H. GERE, *Private Secretary.*

On motion of Mr. Doom, the Senate proceeded to consider the report of the Committee of Conference, which was disagreed to yesterday, on S. No. 2, An act to transfer suits at law and in equity, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

Mr. Hascall moved to reconsider the vote by which the Senate refused to adopt the report of the Committee of Conference, which resulted in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Majors, Patrick, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—Messrs. Davis and Presson—2.

Mr. Doom moved the Senate concur in the report of the Committee, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—Mr. Presson—1.

On motion of Mr. Presson, the Senate proceeded to consider the report of the Committee of Conference, upon S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and provide for filling the vacant therein, which was that the House recede from its amendment to S. No. 10 and also proposed the following amendment, to wit: "provided that n days shall be allowed the present Judges to comply with the provision this section."

Also, that the House adhere to its amendment to section 5, Mr. Wardell dissenting from the latter opinion.

On motion of Mr. Presson, the Senate concurred in the first and second recommendations, and the ayes and nays being demanded upon the third recommendation, amendment to section 5 by the House, "that appointments be made for the unexpired term," it was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Holden, Majors, Presson, Reeves, Sheldon and Wardell—7.

For the negative—Messrs. Baird, Doom, Freeman, Hascall, Patrick and Mr. President—6.

Mr. Wardell asked leave to insert the following in the Journal, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Holden, Majors, Presson, Reeves and Wardell—6.

For the negative—Messrs. Baird, Hascall and Patrick—3.

"Being informed and satisfied that no one of legal ability sufficient to entitle him to the position of Judge of Supreme Court, can be induced to accept the position, and in consideration of the fact that unless we accept this bill, we in Otoe County, there being no Judge assigned to us, will be compelled to remain without a court until such election can be had, and after protesting against the action imposed on us in these premises, and for said reasons vote—yes—Reeves, Wardell.

On motion of Mr. Majors, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Called to order at 2 o'clock.

The Senate proceeded to consider the amendments of the House to S. No. 22, An act to provide for State printing.

Mr. Doom moved the Senate concur in the first amendment, section 1, which was decided in the affirmative.

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

Mr. Doom moved the Senate concur in the first amendment, section 2, which was decided in the affirmative.

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

Mr. Wardell rose to a point of order, whether it did not require a majority of all the members elect, to concur in an amendment.

The President decided that as the Constitution provided that a majority of the members elect must vote in the affirmative on the passage of every bill that shall pass, to be ascertained by calling the ayes and nays, so an amendment proposed by the House, coming here for concurrence, requires the assent of a majority of the members elect.

Mr. Doom moved to concur in the second amendment to section 2.

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

So it was resolved that the Senate do concur.

The Senate resumed the consideration of Senate Sub. to H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives, to define their duties, and establish their pay.

Mr. Doom moved to fill the blank relative to pay of Door-Keeper, with the word "three," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Majors, Reeves, Sheldon, Wardell and Mr. President—8.

For the negative—Mr. Presson—1.

Mr. Davis moved to fill the blank relative to pay of Chaplain, with the word "three," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

Mr. Davis moved to fill the blank relative to pay of Pages, with the words, "one dollar and fifty cents," which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—Mr. Holden—1.

Mr. Davis moved to fill the blank in the clause relative to pay of Enrolling and Engrossing Clerks, with the word "three."

Mr. Holden moved to fill said blank with the word "four."

The motion having the largest number having precedence, was put and decided in the negative, as follows:

For the affirmative—Messrs. Doom, Holden, Presson and Sheldon—4.

For the negative—Messrs. Davis, Freeman, Hascall, Majors, Wardell and Mr. President—6.

Question on the motion of Mr. Davis was decided in the affirmative.

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Majors, Wardell and Mr. President—7.

For the negative—Messrs. Holden, Presson and Sheldon—3.

Mr. Davis was called to the Chair, and the President offered the following proviso to section 3.

Provided, That the provisions of this section shall not be construed to apply to the present presiding officers of the Senate and House of Representatives.

Mr. Majors moved to lay the proviso on the table, which was decided in the affirmative.

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Wardell—10.

For the negative—Mr. President—1.

On motion of Mr. Doom, the bill was amended by transferring the clause making it the duty of the Door-Keeper to carry to and fro the mail matter of the members of the respective bodies, and making it the duty of the Sergeant-at-Arms.

On motion of Mr. Doom, the following new section was adopted.

SEC. 5. There is hereby appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, out of any moneys not otherwise appropriated, to pay the *per diem* and mileage of members and officers of this session of the Legislature. The Auditor is hereby authorized to draw his warrant in favor of any member or officer, as aforesaid, for such an amount as the Secretary of the Senate, or Chief Clerk of the House of Representatives, shall certify to be due such officer or member, at the time of giving such certificate, provided that such amount shall not exceed the pay as provided by this act.

On motion of Mr. Davis, ordered that the bill be engrossed for third reading to-morrow.

The Senate proceeded to consider S. No. 43, An act to provide for the registration of the voters of the State.

Mr. Reeves moved to amend by adding the following proviso:

Provided, That the expenses of carrying this act into effect shall not exceed the sum of twenty dollars to each voting precinct.

The ayes and nays being demanded, the vote stood as follows:

For the affirmative—Messrs. Freeman, Reeves, Sheldon and Wardell—4.

For the negative—Messrs. Davis, Doom, Hascall, Holden, Majors and Presson—7.

Amendment lost.

Mr. Wardell moved to amend by adding the following proviso:

Provided, That the expenses of carrying this act into effect, shall not exceed the sum of forty dollars in any one precinct.

Mr. Presson moved to amend by adding the words "in any one year."

The amendment being accepted, the question was put and decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

On motion of Mr. Hascall, ordered that the bill be engrossed for third reading to-morrow.

The Senate proceeded to consider S. No. 28, An act to locate, establish and endow a State Normal School.

Mr. Doom offered the following amendments, which were severally adopted:

Strike out all that portion of section 3 which requires the Superintendent of Public Instruction to be Secretary of the Board.

In the 3d section, 21st line, insert "and Secretary. It shall be the duty of the Secretary to keep an exact and detailed account of the doings of said Board. He shall make such reports to the Legislature as are required by this act."

In section 9, 8th line, after the word "instruction," insert "or Auditor."

Strike out section 10.

In section 12, strike out the words "to be approved by the Superintendent of Public Instruction" and insert the words, "which said certificate shall entitle the holder to teach a common school in any County in the State, for the time and the branches stated in said certificate."

In section 14, 15th line, strike out all after the words "entitled to," and insert "three dollars per day, and ten cents for each mile necessarily traveled in attending the meetings of the Board."

Strike out section 15, and insert instead,

SEC. 15. For the purpose of endowing said Normal School, the Governor, Secretary and Auditor shall, within six months after the passage of this act, select and set apart for the endowment of said Normal School, twenty sections of land belonging to the State, not otherwise appropriated, provided, that the said lands shall not be selected from those selected by the State as saline lands. There shall not be selected for said endowment, any section or part of section, on which any salt spring may be located, or a section adjoining to the section on which said salt spring may be located. Provided further, that the land so selected shall not be sold or otherwise disposed of until the next session of the Legislature. If the next Legislature shall fail to provide for the sale or lease of said lands, the Governor, Secretary of State, and Auditor, shall, after advertising three months, in at least four newspapers published in the State, sell said lands to the highest bidder, at public sale, said lands to be sold in quantities not exceeding one hundred and sixty acres to any one person at one bid.

Insert as section 16 "The proceeds of said sale shall be deposited with the Treasurer, as a Normal School Fund, the principal of which shall not be diminished, and the interest thereof, from the time of its receipt, shall be computed by the auditor and State Treasurer, at the close of each fiscal year, at the rate of six per cent. per annum, and shall be passed to the credit of the Normal School interest, and shall be drawn therefrom upon the warrant of the Auditor, to be issued in pursuance of a certificate of the Board of Education, signed by their President, and countersigned by the Secretary, that the money is due and payable to the Principal of the Normal School, or his assistants, or the teachers or officers employed, or to the members of the Board of Education, as herein authorized, or for the necessary incidental expenses in the support and maintenance of said School. It shall be, and is hereby made the duty of the State Treasurer, to invest the funds paid into his Office to the credit of the State Normal School Fund, in the purchase of U. S. bonds, or Government securities, having due regard to those deemed the safest, and yielding the greatest interest."

SEC. 17. It shall be the duty of the Governor, Secretary of State, and

Auditor, within six months after the selection of the lands, as provided for by this act, to advertise in at least four newspapers published in the State, that they will receive proposals for leasing any of said lands, provided, that said lands shall not be leased for a longer time than ten years, or for a less sum than six per cent., or a valuation of ten dollars per acre.

Insert as the last section, "The Legislature may amend this act at any time, provided, that the endowment fund shall not be decreased."

On motion of Mr. Davis, ordered that the bill be engrossed for third reading to-morrow.

By unanimous consent, Page Parmelee obtained leave of absence until to-morrow, 9 o'clock A. M.

On motion of Mr. Davis, the rules were suspended, for the purpose of considering bills reported from Committees to-day.

On motion of Mr. Hascall, ordered that S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and buildings in said City, and provide means for the erection of public buildings, be read the second time.

Mr. Presson moved to amend by the following proviso:

Provided, That no writ of injunction shall be issued on the removal of the Seat of Government of the State.

The ayes and nays being demanded, the vote stood as follows:

For the affirmative—Mr. Presson—1.

For the negative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Reeves, Sheldon, Wardell and Mr. President—9.

Amendment lost.

On motion of Mr. Hascall, ordered that the bill be engrossed for third reading to-morrow.

Mr. Reeves, from the Committee, reported as truly enrolled, S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein, when the President signed the same.

H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska, was read the third time.

On motion of Mr. Davis, ordered that the bill be passed to third reading.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor for his signature, at 20 minutes after 4 o'clock P. M., S. No. 10, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

H. No. 56, An act to appropriate a portion of the money refunded to the State by the General Government, to the payment of current and contingent expenses for the year 1867, was read the second time.

On motion of Mr. Davis, ordered that the bill be passed to third reading.

S. No. 27, An act to amend section 15 of chapter 48, entitled, "Schools," was read the second time.

On motion of Mr. Sheldon, the following amendment was added as the last section:

This act shall take effect from and after its passage.

Mr. Davis moved a suspension of the rules, for the consideration of bills on third reading.

Disagreed to.

Mr. Baird, by unanimous consent, introduced S. No. 64, Joint resolution and memorial concerning John S. Lemon, which was read the first time.

By unanimous consent, Page Kennard obtained leave of absence until Monday, 9 o'clock A. M.

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,

Saturday, June 15, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Hascall, from the Committee on Incorporations, reported H. No. 46, An act to amend section 2, chapter 36, of the R. S. Nebraska, entitled, "Mills and mill dams," without amendment.

Mr. President:

Your Special Committee, appointed to ask, in conjunction with a like Committee on the part of the House, for the purpose of inspecting the State prison, beg leave to report that the duty has been performed, and would respectfully state that several apartments of the building are in a very unhealthy condition.

First, The cells are small, and entirely too much crowded.

Second, There is a great lack of ventilation, which renders the atmosphere damp and foul.

Third, The basement story of the building alone constitutes the prison, and there is a glaring want of a sanitary system in the habits of the prisoners. Excremental deposits and other filthy irregularities exist in two or three of the vacant cells, which are immediately adjacent to those containing the prisoners, and unless steps are taken at once to cleanse and purify the locality, disease of every contagious cast must necessarily infest, not only the prisoners, but all who are in any way associated with the surrounding premises.

Your Committee would further state, that the prisoners are at present in apparent good health, and appear to be well dieted. Your Committee are of the opinion, however, that additional room, and more vigilant attention to the privy apartments, are highly necessary, and your Committee would respectfully recommend that the suggestions herein thrown out, be duly considered and acted upon, as speedily as practicable.

F. K. FREEMAN,

J. T. DAVIS.

Mr. Reeves asked and obtained leave to introduce the following:

Be it resolved, That the Enrolling Clerk of the Senate shall be, and he is hereby authorized to employ such assistance as he may require, in enrolling the laws of the present session, as far as they may have originated in the Senate, and it is hereby made the duty of said Enrolling Clerk to keep a just and accurate account of all services performed by his assistant, and report the same to the Chairman of the Committee on Engrossed and Enrolled Bills, and there shall be allowed the said Enrolling Clerk any sum, not exceeding three dollars per day, for such services.

On motion of Mr. Presson, by unanimous consent, the rules were suspended, and the resolution read the second and third times.

The question upon the adoption of the resolution, was decided in the negative, as follows:

For the affirmative—Messrs. Doom, Holden, Presson, Reeves, Sheldon and Mr. President—6.

For the negative—Messrs. Baird, Davis, Freeman, Hascall, Majors and Wardell—6.

A message from the House, by Mr. Bowen, its Clerk:

Mr. President:

The House has passed bills of the following titles, viz:

H. No. 52, Joint resolution, relative to overflowed and swamp lands.

H. No. 68, An act to amend an act, entitled, An act to restrain swine from running at large in the Territory of Nebraska, approved February 18, 1867.

H. No. 53, An act to amend an act, entitled, An act to restrain stock from running at large in the Counties of Clay, Lancaster and Seward, approved February 15, 1864, and amended February 15, 1865, in which I am directed to ask the concurrence of the Senate.

The House has passed bills of the following titles, viz:

S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court.

S. No. 63, Joint resolution, relative to Indian troubles, without amendment.

S. No. 29, An act to apportion the members of the Senate and House of Representatives, with amendments, in which I am directed to ask the concurrence of the Senate.

The House has indefinitely postponed the further consideration of bills of the following titles, viz:

S. No. 11, An act to organize Monroe County, and locate the County Seat.

S. No. 27, An act to amend chapter 16 of the R. S. Nebraska, entitled, Divorce and alimony.

Mr. Reeves asked and obtained leave to introduce S. No. 65, Joint resolution relative to Indian policy, which was read the first time.

On motion of Mr. Majors, the rules were suspended, and the bill read the second time, and referred to Committee of the whole.

Mr. Presson asked and obtained leave to introduce S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, which was read the first time.

Mr. Davis moved a suspension of the rules, for the purpose of reading the bill the second time, which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—9.

For the negative—Messrs. Freeman, Reeves and Wardell—3.

S. No. 64, Joint resolution and memorial concerning John S. Lemon, was read the second time, and referred to Committee of the whole.

Mr. Davis moved a suspension of the rules, for the consideration of bills on third reading, which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Freeman, Holden, Majors, Presson, Reeves and Wardell—7.

For the negative—Messrs. Baird and Sheldon—2.

Mr. Reeves, from the Committee, reported the following bills as truly enrolled:

H. No. 41, An act to provide for procuring a seal of the State of Nebraska.

S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings, from the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska, when the President signed the same.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

June 14, 1867.

Mr. President:

The Governor directs me to inform your honorable body that he has this day approved and signed an act, entitled, An act to declare the cases in which offices shall be deemed vacant, and to provide for filling the vacancies therein.

The Governor also directs me to transmit to your honorable body the accompanying communication.

C. H. GERE, Private Secretary.

EXECUTIVE OFFICE,

OMAHA, June 15, 1867.

To the Honorable, the Senate of the State of Nebraska:

I hereby nominate, as Chief Justice of the State of Nebraska, to fill the vacancy caused by the death of Hon. Wm. A. Little, Chief Justice elect, the Hon. O. P. Mason, of Nebraska City, and respectfully request the concurrence of your honorable body in his appointment.

DAVID BUTLER, Governor.

The Senate proceeded to consider, in Committee of the whole, bills reported from Standing Committees, Mr. Doom in the Chair.

On motion of Mr. Presson, the Committee rose and reported S. No. 44, Joint resolution and memorial concerning John S. Lemon, that the bill do pass.

S. No. 65, Joint resolution relative to Indian policy, with an amendment, to be engrossed for third reading.

S. No. 50, An act to repeal sections 88, 89, 90, of chapter 46 of the R. S. Nebraska, entitled, Revenue, that it be indefinitely postponed.

S. No. 55, An act for the organization of Counties, with amendments, to be engrossed.

H. No. 43, An act to provide for the protection of stock from contagious diseases, with amendments, to be engrossed.

H. No. 38, An act to provide for the funding of the warrants of Douglas County, to be read the third time.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor, for his signature, at 10 minutes before 12 o'clock M., to-day, the following bills:

H. No. 41, An act to provide for procuring a seal for the State of Nebraska.

S. No. 2, An act to transfer suits at law and in chancery, prosecutions, judgments, decrees and proceedings, in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

On motion of Mr. Wardell, the Senate took a recess until 1 o'clock P. M.

AFTERNOON SESSION.

Called to order at 1 o'clock P. M.

On motion of Mr. Doom, the rules were suspended, for the consideration of bills on third reading.

H. No. 56, An act to appropriate a portion of the money refunded to the State by the General Government, to the payment of current and contingent expenses for the year 1867, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Presson and Sheldon—8.

For the negative—Messrs. Majors, Reeves and Wardell—3.

H. No. 24, An act to provide for the selection and entry of public lands in the State of Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

H. No. 8, Joint resolution ratifying the proposed amendment to the Constitution of the United States, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Holden, Doom, Majors, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman, Hascall, Patrick, Reeves and Wardell—5.

S. No. 27, An act to amend section 15 of chapter 48, entitled, Schools, of the R. S. Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Presson, Sheldon and Wardell—7.

For the negative—Messrs. Holden and Reeves—2.

S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

H. No. 42, An act to locate a State road in Washington and Douglas Counties, was read the third time.

The President put the question "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

On motion of Mr. Presson, the Senate proceeded to the consideration of executive business.

After the consideration of executive business, the doors were opened.

The Senate proceeded to consider the amendments of the House to section 2 of S. No. 29, An act to apportion the members of the Senate and House of Representatives.

Mr. Majors moved to concur in the first amendment to section 2.

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves and Sheldon—7.

For the negative—Messrs. Baird, Freeman, Hascall, Patrick, Wardell and Mr. President—6.

Resolved, That the Senate concur therein.

Mr. Majors moved the Senate concur in the second amendment to section 2.

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon, Wardell—8.

For the negative—Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

Resolved, That the Senate concur therein.

Mr. Majors moved the Senate concur in the third amendment to section 2.

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

For the negative—Messrs. Baird, Hascall, Patrick and Mr. President—4.

Resolved, That the Senate concur therein.

S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Mr. Davis moved the Senate concur in the first amendment to section 2.

Provided, That the improvements upon said exemptions shall not exceed in value the sum of two thousand dollars.

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Wardell—12.

For the negative—Mr. President—1.

Resolved, That the Senate concur therein.

Mr. Davis moved the Senate concur in the second amendment to section 2.

Strike out after the words "in the manner aforesaid," in the last clause, and insert the following, to wit: "as well after as before the death of the debtor, the estate, in such homestead, shall descend to, and vest in his heirs at law, or legatees, free, and divested from all claims of any creditors thereto."

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Patrick, Presson, Reeves, Wardell—8.

For the negative—Messrs. Baird, Freeman, Majors, Sheldon and Mr. President—5.

Resolved, That the Senate concur therein.

Mr. Reeves, from the Committee, reported as correctly engrossed, the following bills:

S. No. 28, An act to locate, establish and endow, a State Normal School.

S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and building in said City, and provide means for the erection of public buildings.

Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives, to define their duties and establish their pay.

Mr. Reeves reported as truly engrossed, H. No. 35, An act to amend section 1 of an act, entitled, "An act to restrain stock from running at large in Deleware, McWilliams, Syracuse and Hendricks precincts, Otoe County, Nebraska, approved February 12, 1867, when the President signed the same.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed the following concurrent resolution, in which I am directed to ask the concurrence of the Senate:

Resolved, by the Senate and House of Representatives, That the Governor is hereby authorized to take possession of all arms and ammunition belonging to the State, and distribute them among the frontier settlers, as in his judgment may seem best intended to secure their safety.

Mr. Hascall moved the resolution be adopted.

Mr. Presson moved to amend by substituting the following:

Resolved, by the Legislature of the State of Nebraska, That the Governor be, and he is hereby authorised to furnish, from the State Arsenal, one

hundred and twenty stand of arms, to be taken in charge by Major Philip R. Heelan, and transported to North Platte, or any other place on the U. P. R. R. that it may be deemed necessary, for the purpose of defending the citizens, laborers and travelers on the frontier, against the bands of hostile Indians now committing depredations on the line of said Rail Road; the said arms to be used and distributed in such manner as may be ordered by the Governor, provided, that the said Major Philip R. Heelan shall give bonds for the return of the same.

Mr. Doom moved a call of the House.

Absent---Messrs. Davis and Majors.

On motion of Mr. Doom, the Sergeant-at-Arms was dispatched for absentees. The Sergeant appeared and reported the absentees present.

On motion of Mr. Freeman, they were admitted within the bar, and all further proceedings under the call dispensed with.

Mr. Davis moved the Senate resolve itself into Committee of the whole.

Mr. Patrick asked leave of absence until to-morrow morning.

Mr. Hascall demanded the ayes and nays.

For the affirmative---Messrs. Davis, Doom, Freeman, Holden, Majors, Patrick, Presson and Mr. President---8.

For the negative---Messrs. Hascall, Sheldon and Wardell---3.

So Mr. Patrick obtained leave of absence.

Mr. Doom moved to adjourn.

Disagreed to.

Mr. Hascall moved Mr. Patrick's leave of absence be extended to three days, upon which the ayes and nays were demanded.

For the affirmative---Mr. Sheldon---1.

For the negative---Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Wardell and Mr. President---11.

Motion lost.

Motion of Mr. Davis agreed to, and Mr. Doom was called to the Chair.

Mr. Presson moved the Committee rise.

Disagreed to.

The Chairman announced S. No. 25, An act appropriating money to satisfy the claims of Dr. Philip O'Hanlon, for moneys expended by him in promoting immigration to Nebraska.

On motion of Mr. Presson, the Committee rose.

Mr. Freeman introduced a petition of certain citizens on the frontier, asking for 120 stand of arms, and certain communications relative thereto.

By unanimous consent, Mr. Presson withdrew the substitute offered in lieu of the House resolution, authorizing the Governor to take possession of all arms and ammunition, and distribute them among the frontier settlers.

The question being upon the adoption of the House resolution.

Mr. Majors offered the following as an amendment thereto.

Provided, That the Governor is required to secure the State in the safe return of said arms.

Amendment agreed to, and resolution, as amended, adopted.

On motion of Mr. Davis, the Senate resumed, in Committee of the whole, the consideration of S. No. 25, An act appropriating money to satisfy the claims of Dr. Philip O'Hanlon, for moneys expended by him in promoting immigration to Nebraska.

On motion of Mr. Hascall, the Committee rose and reported said bill, with sundry amendments, to be engrossed for third reading to-morrow.

Report adopted.

Also, S. No. 62, An act to provide for the appointment of Clerks of the District Courts, with an amendment, to be engrossed for third reading to-morrow.

S. No. 56, An act to donate 156 sections of the public lands to the Northern Nebraska Air Line Rail Road Company, with amendments, to be engrossed for third reading, and made a special order at 10 o'clock A. M., to-morrow.

The Senate refused to adopt the report.

Ordered that the bill be engrossed, and made a special order at 10 o'clock A. M., to-morrow.

The President announced several bill considered in Committee of the whole, had not been acted on by the Senate.

On motion, the Senate proceeded to consider the same.

S. No. 63, Joint resolution relative to Indian policy.

Ordered that the bill be engrossed, as amended, for third reading to-morrow.

H. No. 38, An act to provide for the funding of the warrants of Douglas County.

Ordered that the bill be engrossed for third reading to-morrow.

S. No. 64, Joint resolution and memorial concerning John S. Lemon.

Ordered that it be passed to third reading.

S. No. 55, An act for the organization of Counties.

Ordered that it be engrossed for third reading to-morrow.

S. No. 50, An act to repeal sections 88, 89 and 90, of chapter 46, of the Revised Statutes of Nebraska, entitled Revenue.

Ordered that the bill be indefinitely postponed.

The ayes and nays being demanded, the vote stood as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Majors, Reeves, Sheldon and Mr. President.—7.

For the negative—Messrs. Baird, Hascall, Holden, Presson and Wardell—5.

H. No. 43, An act to provide for the protection of stock from contagious diseases.

Ordered that the amendments be engrossed for third reading to-morrow.

By unanimous consent Mr. Baird introduced S. No. 67, An act to amend section 36 of chapter 17 of the Revised Statutes of Nebraska, entitled Elections.

Mr. Presson gave notice that he would, at some future day, introduce An act to repeal an act to amend the General Incorporation Law of the State of Nebraska.

On motion of Mr. Majors, the rules were suspended for the consideration of bills on third reading.

S. No. 28, An act to locate, establish and endow a State Normal School, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

S. Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives; to define their duties and establish their pay, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson and Sheldon—8.

For the negative—Messrs. Freeman, Reeves and Wardell—3.

S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and building in said City, and provide means for the erection of public buildings, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Holden, Presson, Reeves, Wardell and Mr. President—9.

For the negative—Messrs. Davis, Majors and Sheldon—3.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has concurred in the amendment of the Senate to the concurrent resolution of the House, authorizing the Governor to supply arms for the defense of Territorial settlements.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
June 15, 1867. }

Mr. President:

The Governor directs me to notify your honorable body that he has this day approved and signed an act entitled, An act to transfer suits at law or in chancery, prosecutions, judgments, decrees or proceedings in the Courts of the Territory of Nebraska, to the Courts of the State of Nebraska.

C. H. GERE, *Private Secretary.*

On motion of Mr. Presson, the Senate adjourned.

SENATE CHAMBER,
Monday, June 17, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has disagreed to the amendments of the Senate, by way of substitute to a bill of the House of the following title, viz:

H. No. 10, An act to provide a Contingent Fund for the current expenses of the Senate and House of Representatives of the State of Nebraska.

Ask a conference on the disagreeing votes of the two Houses thereon, and has appointed Messrs. Wiles, Crawford and Harvey the managers on the part of the House at said conference.

On motion of Mr. Presson, Messrs. Wardell and Hascall were appointed a Committee of Conference on said Bill, H. No. 10.

Upon request, the Sergeant-at-arms was granted leave of absence during the day.

On motion of Mr. Presson, Mr. Ames, M. C., and other distinguished gentlemen, were invited within the bar of the Senate.

On motion, the Senate took a recess for five minutes.

AFTER RECESS.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has passed the following concurrent resolution:

Resolved, By the House of Representatives, the Senate concurring therein, That no new bills be introduced from and after Wednesday, June 19th.

In which I am directed to ask the concurrence of the Senate.

The House has agreed to the Report of the Committee of Conference on the disagreeing votes of the two Houses in the amendments of the House to S. No. 17, An act to amend the Code of Civil Procedure, by abolishing the distinctions between actions of law and suits in equity.

The House has passed bills of the following titles, viz:

H. No. 74, An act to authorize the Governor to employ counsel in actions by and against the State.

S. No. 59, Joint resolution and memorial for a mail route, with an amendment.

In which I am directed to ask the concurrence of the Senate.

On motion of Mr. Presson, the Senate adopted the concurrent resolution.

Mr. Doom, from the Committee of Conference upon the disagreement of the two Houses thereto, reported that the House of Representatives do recede from

its first and second amendment; also that the Senate concur in House amendment No. 3 to S. No. 17.

J. E. DOOM,

I. S. HASCALL,

J. N. WOOLWORTH,

A. B. FULLER.

On motion of Mr. Doom, the Senate adopted the report of the Committee of Conference upon the disagreement of the two Houses to the amendments to S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law, and suits in equity.

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Wardell and Mr. President—11.

For the negative—Mr. Sheldon—1.

On motion of Mr. Baird, the Senate concurred in the amendment of the House to S. No. 59, Joint resolution and memorial for a mail route.

Mr. Freeman presented a petition from citizens of Plumb Creek, relative to Indian troubles, which was read and referred to the Committee on Military Affairs.

Mr. Doom, from the Judiciary Committee, reported the following bills :

H. No. 18, An act prescribing the duties of Secretary of State, without amendment.

S. No. 35, An act to define the duties of Secretary of State, that it be indefinitely postponed.

S. No. 60, An act to provide for the disposition of unclaimed lots entered in trust by corporate authorities, without amendment.

H. No. 34, An act to give the tenth section of title 2, entitled, Time of commencing civil actions, of part second, entitled, code of civil procedure of the R. S. Nebraska, a proper construction, without amendment.

Mr. Davis, from the Judiciary Committee, reported a substitute for S. No. 51, An act to amend section 336 of chapter 29, of the R. S. Nebraska.

Mr. Hascall, from the Committee on Incorporations, reported S. No. 58, An act to authorize the Atchison and Nebraska City R. R. Company to extend their R. R. through Nebraska.

That the bill is to authorize a non-resident corporation to construct, run and operate a R. R. Company in Nebraska. It is a special act, conferring corporate powers, which the Legislature is prohibited from passing. If the Company in said bill mentioned are anxious to obtain authority to build a Rail Road in Nebraska, they can do so by organizing in this State, under the general law relating to Rail Roads, and we therefore recommend that the bill be indefinitely postponed.

Mr. President:

The Committee on Incorporations have had under consideration the following resolution, referred to said Committee, to wit:

Resolved, That the Committee on Incorporations be, and they are hereby instructed to report, at their earliest convenience, by bill or otherwise, any amendments to the general Incorporation law of this State, which in their

judgment may be necessary to render the same perfect and complete in its operations, and a majority of said Committee beg leave to report, that section four of the Constitution, makes it the duty of the Legislature to provide for the organization of cities and villages by general laws, that the Revised Statutes contain provisions for the incorporation of towns, which are applicable to cities and villages, and which are sufficient for their regulation and good government, until they contain a population of four thousand, that most of the cities and villages of the State have charters now in force, granted them by the Territorial Legislature, that are adequate to all present wants. That this Legislature will not have time to prepare and properly perfect a law for the organization of cities of the first class, that no necessity exists for such a law at this time, that it is a subject of great magnitude, and should be well considered before legislation, and that the matter should be reserved for consideration at the next session of the Legislature. The general laws in force relating to private corporations, are full enough to meet the wants of the people for a few years, and it is unwise to alter them until the laws are again revised. The act of the present Legislature, amending section 113 of the said laws, was an act of hasty legislation, and this act should be repealed, and the original section re-enacted and restored, before the close of our present session.

I. S. HASCALL,
F. K. FREEMAN.

Mr. President:

Your Committee on Finance, Ways and Means, to whom was referred H. No. 47, An act to authorize the State Treasurer to purchase U. S. bonds, and redeem the bonds issued for the payment of the militia of the State of Nebraska, have had the same under consideration, and beg leave to report that your Committee have ascertained from the Treasurer, that parties holding the State bonds refused to surrender the same before they become due, and that the money on hand could be loaned in the State at ten per cent. We therefore recommend that the bill do not pass.

W. A. PRESSON,
MILLS S. REEVES,
OSCAR HOLDEN.

Mr. Reeves, from the Committee, reported the following bills as correctly engrossed:

S. No. 56, An act to donate 155 sections of the public lands to the Northern Nebraska Air Line Rail Road Company.

S. No. 43, An act to provide for the registration of the voters of the State.

Mr. Presson, from the Committee on Finance, Ways and Means, to whom was referred the Auditor's report, reported the same as correct, and moved the report be spread upon the Journal, which was agreed to.

OFFICE STATE AUDITOR,
OMAHA, May 29, 1867. }

SIR, in conformity with a resolution of the Senate, adopted May 24, 1867, requiring the Secretary and Auditor of State to furnish the Senate with any

and all information in their power relative to the financial condition of the State, all expenditures for labor and materials, performed and furnished, the manner and form of advertising and letting all contracts for the same, the reasons for accepting or rejecting any or all such bids, also all other information relating to the same subject matter, necessary to the complete understanding of the same; &c.

I have the honor to report the following, viz:

First, cash on hand in Treasury, May 1, 1867, \$31,933 05

Cash paid in since, General Fund	\$4,500 00
Cash paid in since, Sinking Fund	2,678 21
	\$7,178 21

Total		\$39,111 26
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Amount still due on taxes for 1866, from the Treasuries of the several Counties:

General Fund	\$40,089 70
Sinking Fund	24,075 61

Total		\$64,165 31
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There is still due from the General Government, on the appropriation of forty-five thousand dollars for militia expenses, seventeen thousand dollars, and I would most respectfully request of your honorable body, some action be taken to secure the adjustment of that amount to the State, by designating some one specially to attend to it.

Second, There has been no expenditure for labor or materials in this Office, except the sawing of wood, purchased for the use of the State, since March the first.

Third, The manner of advertising and letting all contracts for the printing and binding of books and blanks necessary for the collection of State revenue by this Office, has been as follows:

Under the provisions of section 87, Revised Statutes, entitled, Revenue, I have advertised by inviting bids from the several newspapers of the State, sending them a sample of all blanks required to be printed, for a whole or a part of the work. The bids for the books necessary, have been sent to the several book publishers of the City of Council Bluffs, Des Moines, Iowa, Chicago and New York, and the contract awarded to the lowest bidder, reserving the right to reject any and all bids, if considered too high.

Fourth, I have not advertised for the printing of books and blanks necessary for 1867, but was awaiting at your hands, the re-passage of a law amendatory to the Revised Law, which was presented at the last session, but not approved by the Governor, which repeals some of the cumbersome forms, and prove a saving to the State.

Very respectfully your obedient servant,

JOHN GILLESPIE, *State Auditor*

Mr. Reeves, from the Committee, reported as correctly engrossed, S. No. 62, An act to provide for the appointment of Clerks of the District Courts.

Mr. Baird asked and obtained leave to introduce S. No. 68, Joint resolution and memorial, relative to attaching a portion of the State of Nebraska to Dakota Territory, which was read the first time.

S. No. 67, An act to amend section 36 of chapter 17, of the R. S. Nebraska, entitled, Elections, which was read the first time.

Mr. Sheldon asked and obtained leave to introduce S. No. 69, An act to amend section 8 of the R. S. Nebraska, entitled, Bonds, which was read the first time.

H. No. 52, Joint resolution, relative to overflowed or swamp lands, was read the first time.

H. No. 53, An act to amend an act, entitled, An act to restrain stock from running at large in the Counties of Clay, Lancaster and Seward, approved February 15, 1864, and amended February 13, 1865, was read the first time.

H. No. 68, An act to amend an act, entitled, An act to restrain swine from running at large within the limits of the Territory of Nebraska, approved February 18, 1897, was read the first time.

H. No. 74, An act to authorize the Governor to employ counsel in actions, by and against the State, was read the first time.

On motion of Mr. Davis, by unanimous consent, the rules were suspended, and the bills severally read by their titles, and referred to Committee of the whole.

Ten o'clock, special order for the consideration of S. No. 56, An act to donate 75 sections of the public lands to the Northern Nebraska Air Line R. R. Company.

On motion of Mr. Hascall, the order was deferred until 2 o'clock P. M.

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, was read the second time, and referred to Committee of the whole.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has passed a bill of the Senate of the following title, viz:

S. No. 15, An act to amend chapter 46, part 1, of the R. S. Nebraska, entitled, Revenue, with amendments, in which I am directed to ask the concurrence of the Senate.

The House has agreed to the amendment of the Senate to H. No. 42, An act to locate a State road in Washington and Douglas Counties.

The House has refused to recede from its first amendment, disagreed to by the Senate, to S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Ask a conference on the disagreeing votes of the two Houses, and has appointed Messrs. Harvey, Butler and Miles managers on the part of the House.

On motion of Mr. Hascall, Messrs. Majors and Reeves were appointed a Committee of Conference on said bill, S. No. 32.

On motion of Mr. Majors, the Senate concurred in the first and second amendments, and non-concurred in the third, which was to strike out the words "forty-one" in the first line of section 17, of S. No. 15, by a unanimous vote of the Senate.

On motion of Mr. Reeves, Messrs. Reeves and Davis were appointed a Committee of Conference upon the disagreement to said amendment.

On motion of Mr. Davis, by unanimous consent, the rules were suspended for the consideration of bills on third reading.

On motion of Mr. Hascall, H. No. 38, An act to provide for funding the Warrants of Douglas County, was re-committed with instructions to report instant.

S. No. 43, An act to provide for the registration of the voters of the State, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Presson, Sheldon and Mr. President—7.

For the negative—Messrs. Doom, Freeman, Holden, Patrick, Reeves and Wardell—6.

S. No. 64, Joint Resolution and Memorial concerning John S. Lemon; was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

Mr. Hascall, to whom was re-committed H. No. 38, An act to provide for the funding of the Warrants of Douglas County, reported an amendment in the enacting clause, by striking out the words "Senate and House of Representatives," or inserting in lieu thereof "Legislature."

On motion of Mr. Patrick, by unanimous consent, the rules were suspended and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Presson, Sheldon, Wardell and Mr. President—10.

For the negative—none.

Mr. Reeves from the Committee, reported the following bills as truly enrolled, when the President signed the same.

S. No. 29, An act to apportion the members of the Senate and House of Representatives.

S. No. 22, An act to provide for State Printing.

S. No. 23, An act to provide for the times and places of holding terms of the Supreme Court.

S. No. 63, Joint Resolution relative to Indian troubles.

H. No. 24, An act to provide for selecting the public lands donated to the State.

H. No. 56, An act to appropriate money to pay the current and contingent expenses for the year 1867.

H. No. 58, Joint Resolution to ratify the proposed amendment to the Constitution of the United States.

S. No. 25, An act appropriating money to satisfy the claims of Dr. Philip O'Hanlon for moneys expended by him in promoting immigration to Nebraska.

Mr. Reeves recommended that S. No. 25 be re-committed for amendment.

S. No. 61, An act to amend section 29 of chapter 2, title 5 of the code of civil procedure, entitled "Service of Summons."

Mr. Doom moved the adoption of the majority report upon said bill.

Mr. Hascall called for the reading of the minority report.

Mr. Hascall moved the bill be indefinitely postponed.

Disagreed to.

On motion, the bill was re-committed to a Special Committee, consisting of Mr. Doom.

Mr. Reeves from the Committee reported, as correctly engrossed, H. No. 43, An act to provide for the protection of stock from contagious diseases.

Mr. Reeves asked leave of absence for Mr. Wardell during the remainder of the Session, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick and Reeves—8.

For the negative—Messrs. Presson, Sheldon and Mr. President—3.

Mr. Reeves from the Joint Committee, reported as having presented to the Governor for his signature, at 12 o'clock to-day, the following bills:

S. No. 29, An act to apportion the members of the Senate and House of Representatives.

S. No. 23, An act to provide for the times and places for holding terms of the Supreme Court.

S. No. 22, An act to provide for State Printing.

S. No. 63, Joint Resolution relative to Indian Policy.

On motion of Mr. Patrick, the Senate took a recess until two o'clock P. M.

AFTERNOON SESSION.

Met at two o'clock P. M.

Called to order.

S. No. 56, An act to donate seventy-five sections of the public lands to the Northern Nebraska Air Line R. R. Company, being the special order for two o'clock, was taken up for consideration.

Mr. Sheldon moved to amend section 1st, by striking out the words "seventy-five," and inserting fifty-six."

Disagreed to.

Mr. Sheldon moved to amend section 1st, by striking out the words "seventy-five" and inserting "sixty," which was decided in the negative as follows:

For the affirmative—Messrs. Baird, Doom, Hascall, Sheldon and Mr. President—5.

For the negative—Messrs. Davis, Holden, Majors, Presson, Reeves and Mr. President—6.

Mr. Baird moved the bill be indefinitely postponed, which was decided in the negative, as follows:

For the affirmative—Messrs. Baird, Hascall and Mr. President—3.

For the negative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

Mr. Doom moved to amend the bill by adding, as a new section, the following:

SEC. 6. This act may be amended or repealed at any future session of the Legislature held previous to the delivery of the land to said Rail Road Company.

Amendment adopted.

On motion of Mr. Davis, ordered that the bill be passed to third reading.

Mr. Reeves moved a call of the house.

Absent—Messrs. Wardell and Freeman.

Ordered that the Sergeant-at-Arms proceed in search of absentees.

The Sergeant appeared and reported members present.

On motion of Mr. Davis, the absentees were admitted within the bar, and all further proceedings under the call dispensed with.

The bill was then read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Wardell—8.

For the negative—Messrs. Baird, Freeman, Hascall, Patrick and Mr. President—5.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House insists on its third amendment to S. No. 15, An act to amend chapter 46, part first Revised Statutes, entitled Revenue.

Agree to the Conference asked by the Senate, on the disagreeing votes of the two Houses thereon, and have appointed Messrs. Harvey, Parmelee and Unthank, the managers at the said Conference on the part of the House.

The House has agreed to the amendment of the Senate, to H. No. 38, An act to provide for the funding of the Warrants of Douglas County.

Mr. Wardell, from the Committee of Conference on Senate Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives; to define their duties and establish their pay; reported, recommending the passage of the same, with the following amendment, viz:

Strike out of section third the words, "The President of the Senate and the Speaker of the House of Representatives shall each be entitled to receive the sum of two dollars per day." Also, strike out the fifth section of the bill.

By consent of the Senate, Mr. Reeves offered the following concurrent resolution:

Resolved, by the Senate and House of Representatives, That the present Legislative Assembly of the State of Nebraska will adjourn, sine die, on Saturday the 22d of June, 1867.

Mr. Presson moved to amend by substituting "Thursday, the 20th."

Amendment lost.

Mr. Freeman moved to amend by adding the words, "at twelve o'clock M."

Amendment adopted.

By unanimous consent, the rules were suspended and the resolution adopted.

By consent of the Senate, Mr. Holden introduced the following resolution.

Resolved, That Mr. M. E. Taylor be invited to deliver an Eulogy on George Washington, in Representative Hall, at five o'clock this P M.

Mr. Holden moved a suspension of the rules, that the resolution might be put upon its passage.

Disagreed to, and the resolution laid over.

Mr. Reeves, from the Committee, reported, as truly enrolled, S. No. 5, An act to provide for copying the Records of Washington County, so far as they affect the title to real estate attached to Dodge County, at the Twelfth Session of the Territorial Legislature, when the President signed the same.

On motion of Mr. Davis, the Senate proceeded to consider, in Committee of the whole, bills reported from the Committees.

On motion of Mr. Freeman, the Committee rose and reported:

S. No. 69, An act to amend section 8, of the Revised Statutes of Nebraska, entitled Bonds, to be re-committed.

H. No. 54, An act providing for the appointment of an Adjutant General of the State, and to define his duties, that the bill do pass.

S. No. 67, An act to amend section 36, chapter 17, of the Revised Statutes of Nebraska, entitled Elections, that the bill do pass.

H. No. 53, An act to amend an act entitled an act to restrain stock from running at large in the Counties of Clay, Lancaster and Seward, approved February 18th, 1864, and amended February 13th, 1865, that the bill be passed to third reading.

H. No. 74, An act to authorize the Governor to employ counsel in actions by and against the State, that it be made the special order at two o'clock P. M., on to-morrow.

H. No. 68, An act to amend an act entitled an act to restrain stock from running at large within the limits of the Territory of Nebraska, approved February 18th, 1867, so far as amended be engrossed for third reading, to-morrow.

H. No. 52, Joint Resolution relative to overflowed or swamp lands, that the bill do pass.

H. No. 55, An act to amend an act to restrain stock from running at large during the night-time, in Johnson County, Nebraska, that the bill do pass.

H. No. 30, An act to locate a State road from the north-east corner of section 8, town 9, range 11, in Douglas County, to the point on the State road from Forest City, in Sarpy County, to the south line of Washington County, where said road intersects the boundary line between Sarpy and Douglas Counties, that the bill do pass.

H. No. 22, An act to amend section 23, of chapter 19 of the Revised Statutes of Nebraska, entitled Fees, that it do lie upon the table.

S. No. 48, An act to repeal section 27 of chapter 19, of the Revised Statutes of Nebraska, that it do lie upon the table.

S. No. 57, An act to provide for an election preliminary to the calling of a Constitutional Convention, that it be passed to third reading.

S. No. 66, An act prescribing and defining the duties of the Governor of the State, that it be returned to the Senate without recommendation.

The reports were severally considered, and ordered that H. Nos. 30, 55, 52, 67, and S. No. 66, be passed to third reading.

Ordered, that H. No. 42 do lie upon the table.

Ordered that H. No. 74 be made a special order at two o'clock P. M., on to-morrow.

Ordered that H. No. 53 lie over until to-morrow.

Ordered that S. No. 57 be indefinitely postponed.

Mr. Doom moved that H. No. 54 be laid upon the table.

Disagreed to.

Mr. Presson moved the bill be indefinitely postponed, which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Presson, Sheldon, and Mr. President—5.

For the negative—Messrs. Baird, Hascall, Majors, Reeves and Wardell—5.

On motion of Mr. Doom, ordered that the bill be made a special order for consideration at two o'clock P. M., on Saturday.

Mr. Majors moved the adoption of the report upon S. No. 69, viz: That the bill be re-committed.

Mr. Holden moved to adjourn.

Disagreed to.

Motion of Mr. Majors agreed to.

Ordered that S. No. 69 be re-committed.

By unanimous consent the bill was re-committed to the Committee on Finance, Ways and Means.

Mr. Davis moved that S. No. 48 be indefinitely postponed, which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden and Presson—5.

For the negative—Messrs. Baird, Majors, Reeves, Sheldon, Wardell and Mr. President—6.

On motion of Mr. Doom, ordered that the bill be made a special order for consideration at three o'clock P. M., on Saturday.

Mr. Majors moved H. No. 68 be made a special order for consideration at

four o'clock P. M. on Saturday, which was decided in the negative as follows:

For the affirmative—Mr. Sheldon—1.

For the negative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, and Wardell—9.

Mr. Majors moved to adjourn.

Disagreed to.

On motion of Mr. Presson, ordered that the amendments to H. No. 68 be engrossed for third reading to-morrow.

The President announced S. No. 62, An act to provide for the appointment of Clerks of the District Courts, which had been previously reported from Committee of the whole.

Mr. Reeves offered the following amendment:

SECTION 2. At the General Election to be held in October, 1868, there shall be elected in each County in this State, a Clerk of the District Court, who shall hold his office for the term of two years, and until his successor is elected and qualified; and the County Clerk shall be eligible to the office of District Clerk.

The ayes and nays being demanded, which resulted in the rejection of the amendment, as follows:

For the affirmative—Messrs. Davis, Reeves, Sheldon, Wardell and Mr. President—5.

For the negative—Messrs. Baird, Hascall, Doom, Holden, Majors and Presson—6.

Mr. Wardell moved to amend by adding, as a new section, the following: That the County Clerk of each County shall, by virtue of his said office, be Clerk of the District Court, and do and perform all the duties of said officers.

Mr. Davis moved to amend by inserting, after the word "County," the words, "except Washington County."

Amendment rejected.

The question recurring upon the original motion to amend, was decided in the negative, as follows:

For the affirmative—Messrs. Reeves, Sheldon and Wardell—3.

For the negative—Messrs. Baird, Davis, Doom, Hascall, Holden, and Presson—6.

Mr. Doom, from the Judiciary Committee, reported S. No. 61, An act to amend section 29, chapter 2, title 5, of the code of civil procedure, entitled Service of Summons, and recommended a substitute therefor, which was read.

On motion of Mr. Doom, the report was adopted.

On motion of Mr. Holden, the Senate adjourned.

SENATE CHAMBER,
Tuesday, June 18, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll Called.

Journal read and approved.

Mr. Reeves, from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law and suits in equity.

S. No. 59, Joint resolution and memorial for a mail route.

Also, as correctly engrossed, S. No. 65, Joint Resolution relative to Indian Policy.

Mr. Presson, from the Finance Committee, reported a substitute for S. No. 69, An act to amend section of the Revised Statutes of Nebraska, entitled Bonds.

Mr. Hascall, from the Committee on Printing, reported H. No. 49, An act to amend section 17, of chapter 19, of the Revised Statutes of Nebraska, entitled Fees, without recommendation.

Mr. Majors gave notice of a bill, donating to the Brownville, Fort Kearney and Pacific R. R. Company, two hundred sections of the lands granted by the United States to the State of Nebraska, for Internal Improvements.

On motion of Mr. Presson, Hon. C. S. Chase was invited within the bar.

Mr. Presson presented the following:

Mr. President:

I hereby resign the office of Enrolling Clerk of the Senate from to-morrow, June 18th.

ISHAM REVIS, *Enrolling Clerk.*

June 17th, 1867.

Resignation accepted.

On motion of Mr. Wardell:

Resolved, That the Chairman of the Committee on Enrolled Bills be authorized to procure the enrolling of bills of the Senate at the usual rate.

On motion, H. No. 53 was ordered to third reading.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor, for his signature, at 45 minutes after 9 o'clock A. M., the following bills:

S. No. 17, An act to amend the code of civil procedure, by abolishing the distinctions between actions at law and suits in equity.

S. No. 59, Joint Resolution and Memorial for a mail route.

On motion of Mr. Doom, by unanimous consent, the rules were suspended for the consideration of bills on third reading.

H. No. 53, An act to amend an act entitled an act to restrain stock from running at large in the counties of Clay, Lancaster and Seward, approved

February 15th, 1864, and amended February 13th, 1865, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative as follows:

For the affirmative—Messrs. Baird, Doom, Holden, Majors, Presson, Sheldon, Reeves, Wardell and Mr. President—9.

For the negative—none.

H. No. 43, An act to provide for the protection of stock from contagious diseases, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Presson and Sheldon—8.

For the negative—Messrs. Reeves, Wardell and Freeman—3.

H. No. 30, An act to locate a State road from the north-east corner of section 8, town 14, range 11, in Douglas County, to the point on the State road from Forest City, in Sarpy County, to the south line of Washington County, where said road intersects the boundary line between Sarpy and Douglas counties, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Wardell—9.

For the negative—none.

H. No. 55, An act to amend an act to restrain stock from running at large during the night-time in Johnson County, Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Presson, Reeves, Sheldon, Wardell and Mr. President—9.

For the negative—none.

S. No. 65, Joint Resolution relative to the Indian Policy, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

S. No. 67, An act to amend section 29, chapter 2, title 5, of the code of civil procedure, entitled Service of Summons, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom and Holden—3.

For the negative—Messrs. Baird, Hascall, Patrick, Presson, Reeves, Sheldon and Wardell—7.

S. No. 62, An act to provide for the appointment of Clerks of the District Courts, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Patrick, Presson and Sheldon—8.

For the negative—Messrs. Reeves and Wardell—2.

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—none.

S. No. 67, An act to amend section 36, chapter 17, of the Revised Statutes of Nebraska, entitled Elections, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Presson, Reeves, Sheldon and Wardell—9.

For the negative—none.

H. No. 52, Joint Resolution relative to overflowed or swamp lands, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

On motion of Mr. Reeves, S. No. 25 was re-committed to the Douglas County delegation, with instructions to amend and report instant.

Douglas County delegation reported a substitute for S. No. 25, An act appropriating money to satisfy the claim of Dr. Philip O'Hanlon, for moneys expended by him in promoting immigration to Nebraska.

Mr. Presson moved to amend by the following:

Provided, Said Board of Immigration shall find said claim to be just.

Amendment adopted.

Substitute, as amended, adopted.

On motion of Mr. Hascall, the rules were suspended and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Holden, Majors, Patrick, Presson, Reeves and Wardell—10.

For the negative—Mr. Sheldon.

On motion of Mr. Reeves, Sub. S. No. 3, An act to authorize the Board

of Education of Otoe Precinct, Otoe County, to levy a special tax, was taken from the table and re-committed to Mr. Reeves, with instructions to amend, by inserting the words, "that the tax shall not exceed four per cent."

Mr. Reeves reported said bill, amended.

Report adopted.

Ordered that said bill be engrossed for third reading.

Mr. Patrick asked and obtained leave, by unanimous consent, to introduce S. No. 70, An act to amend an act, approved February 8th, 1867, entitled an act to amend section 1, of an act entitled an act to revise and consolidate the several acts relative to the City of Omaha, and for other purposes, approved February 11th, 1865, which was read the first time.

On motion of Mr. Patrick, the rules were suspended, and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Mr. President---9.

For the negative—Messrs. Doom and Wardell---2.

On motion of Mr. Wardell, the Senate took a recess until 1 o'clock and 30 minutes P. M.

AFTERNOON SESSION.

Met at 1 o'clock and 50 minutes P. M.

Called to order.

Mr. Reeves, from the Committee, reported the following bills as correctly engrossed:

S. No. 55, An act for the organization of Counties.

Also, the amendment to H. No. 68, An act to amend an act to restrain swine from running at large within the limits of the Territory of Nebraska, approved February 18th, 1867.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate by way of substitute to the bill of the House, H. No. 10, An act providing a contingent fund for the expenses of the two Houses, so far as respects the proposition to strike out section 5 of the Senate amendment by way of substitute, and have disagreed to the same so far as relates to the provision for President and Speaker, and propose the following instead thereof:

Amend section 3, by striking out the word "two" in the 7th line and insert the word "three" in place thereof.

In which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the Senate of the following title, viz:

S. No. 49, An act to repeal an act to amend an act to incorporate the South Nebraska Rail Road Company, without amendment.

The House has passed bills of the following titles, viz :

H. No. 27, An act to provide for the election of a County Superintendent of Public Instruction, and to prescribe his duties.

H. No. 28, An act for the revision of the School Laws.

H. No. 29, An act to provide for and define the duties of a State Superintendent of Public Instruction.

H. No. 58, An act to amend an act entitled an act to prescribe forms to be used by Justices of the Peace in criminal cases, and to provide a uniform system of empanelling juries in criminal cases, approved February 18th, 1867.

H. No. 59, An act further to abolish the distinctions between actions at law and suits in chancery, by abolishing certain common law writs and regulating the proceedings by the Code.

H. No. 66, An act to amend an act entitled an act to incorporate the Council Bluffs Ferry and Bridge Company, approved February 21st, 1865.

H. No. 75, An act to give the Commissioners further time to locate the Seat of Government and Public Buildings of the State of Nebraska."

H. No. 51, An act for the sale of lands of minors and other persons under guardianship, and securing the proceeds for their use.

In which I am directed to ask the concurrence of the Senate.

Mr. Reeves, from the Committee, reported, as truly enrolled, the following bills, when the President signed the same.

H. No. 42, An act to locate a State road in Washington and Douglas Counties.

H. No. 38, An act to provide for the funding of the warrants of Douglas County.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the whole, bills on second reading, Mr. Doom in the Chair.

On motion of Mr. Wardell, the Committee rose and reported.

Report received.

The bills were then taken up and the reports severally considered, and ordered that the following bills be passed to third reading.

H. No. 46, An act to amend section 2, chapter 36 of the Revised Statutes of Nebraska, entitled Mills and mill dams.

Sub. S. No. 51, An act to amend section 336 of chapter 29, of the Revised Statutes of Nebraska.

S. No. 60, An act to provide for the disposition of unclaimed lots entered by corporate authorities.

S. No. 69, An act to amend section 8 of the Revised Statutes of Nebraska entitled Bonds.

Ordered that the following bills be indefinitely postponed.

S. No. 35, An act to define the duties of the Secretary of State.

S. No. 68, Joint Resolution and Memorial relative to attaching a portion of the State of Nebraska to Dakotah Territory.

S. No. 58, An act to authorize the Atchison and Nebraska City Rail Road Company to extend their Rail Road through Nebraska.

Ordered that H. No. 47, An act to authorize the State Treasurer to

purchase United States Bonds, and redeem the Bonds issued for the payment of the Militia of the State of Nebraska, that it do lie upon the table.

H. No. 34, An act to give the 10th section of title 2d, entitled Time of commencing civil actions, of part 2d, entitled, the code of civil procedure, of the Revised Statutes of Nebraska, a proper construction.

Mr. Doom moved the bill be passed to third reading.

Mr. Presson moved the following amendment, which was disagreed to.

Provided, That nothing in this act shall be so construed as to affect any contract heretofore made and entered into.

For the affirmative—Messrs. Holden, Majors, Presson and Wardell—4.

For the negative—Messrs. Davis, Doom, Hascall, Reeves, and Sheldon—5.

Mr. Wardell moved to amend by substituting the following for section 2d, which was disagreed to.

This act shall be in force and take effect from and after its passage.

For the affirmative—Messrs. Holden, Majors, Presson and Wardell—4.

For the negative—Messrs. Davis, Doom, Hascall, Reeves, Sheldon and Mr. President—6.

The question recurring upon the motion to pass the bill to third reading, was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Reeves, Sheldon and President—6.

For the negative—Messrs. Holden, Majors Presson and Wardell—4.

Mr. Presson moved the rules be suspended and the bill be read the third time and put upon its passage.

Disagreed to.

Mr. Davis moved the adoption of the report of the Committee of the whole upon H. No. 18, An act prescribing the duties of the Secretary of State, which was that the bill pass, with the following amendment:

SEC. 7. The Secretary of State shall have power to appoint a Clerk and require of him such bonds as he may think proper, and for whose acts he shall be responsible; and the said Clerk shall have an annual salary of five hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. Doom moved to amend by striking out section 7.

Mr. Presson moved, as an amendment to the bill, the adoption of the section aforesaid.

Mr. Sheldon moved to amend the amendment by striking out the words "five hundred," and inserting "two hundred," which was decided in the negative, as follows:

For the affirmative—Messrs. Reeves, Sheldon and Wardell—3.

For the negative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson and Mr. President—7.

Mr. Doom moved to amend by striking out "five hundred," and inserting "three hundred," which was decided in the negative, as follows:

For the affirmative—Messrs. Doom, Reeves, Sheldon, Wardell and Mr. President—5.

For the negative—Messrs. Davis, Hascall, Holden, Majors and Presson—5.

The question on the original motion to amend the bill, was decided in the affirmative.

Mr. Presson moved the bill be passed to third reading, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson and Mr. President—7.

For the negative—Messrs. Reeves Sheldon and Wardell—3.

The Senate proceeded to consider the amendments of the House to Sen. Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives; to define their duties and establish their pay.

Ordered that the bill lie over until to-morrow.

Mr. Reeves, from the Committee, reported

S. No. 3, An act to authorize School Districts to levy taxes for the erection of school houses, as correctly engrossed.

Also, from the Joint Committee, as truly enrolled, the following bills, when the President signed the same.

H. No. 30, An act to locate a State road in Sarpy and Douglas Counties.

H. No. 55, An act to amend an act to restrain stock from running at large in Johnson Connty.

S. No. 49, An act to repeal an act to amend an act to incorporate the South Nebraska Rail Road Company.

Mr. Reeves, from the Committe of Conference, that the House recede from its amendment to S. No. 15, An act to amend chapter 46 of the Revised Statutes of Nebraska, entitled Revenue.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
June 18, 1867. }

Mr. President :

The Governor directs me to notify your honorable body, that he has this day approved and signed an act, entitled An act to provide for State Printing.

Also, An act to apportion the members of the Senate and House of Representatives.

An act providing for the time and places of holding terms of the Supreme Court.

Also, a Memorial for a mail route.

Also a Joint Resolution upon Indian Policy.

C. H. GERE, *Private Secretary.*

Mr. Reeves, from the Joint Committee, reported as having presented to the

Governor for his signature, at 40 minutes after 4 o'clock P.M., S. No. 49,
An act to repeal an act, to amend an act to incorporate the South Nebraska
Rail Road Company.

On motion of Mr. Holden, the Senate adjourned.

SENATE CHAMBER,
Wednesday, June 19, 1867. }

The Senate met pursuant to adjournment,

Prayer.

Roll called.

Journal read and approved.

Mr. Reeves, from the Committee of Conference, reported that the majority of the Committee recommend that the House recede from its amendment to S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Mr. Freeman submitted the following, which was, by unanimous consent, considered and adopted :

*Resolved, by the Senate and House of Representatives of the State of Nebraska, now in session, That the necessity for establishing law and civil order on the Nebraska frontier, bordering on the Colorado line, between the North and South Platte Rivers, is more than absolute; that the town of Julesburg alone, which promises a population, in less than twelve months, of three thousand inhabitants, will be left entirely destitute of all elective and municipal rights and privileges, should the present General Assembly fail to throw around that town and vicinity a county boundary; that the citizens of that locality are now exposed to all manner of violence and anarchy, and are totally isolated from any and all legal means of redress; that unless an act, which has already passed the Senate, providing for the definition and naming of Cheyenne County, (which embraces Julesburg,) does become a law before our *sine die* adjournment, the 1st article and 1st section of our Constitution will be defiantly disregarded; and that it is the imperative duty of this Legislature to provide relief and administration of Justice to that portion of the State.*

Mr. Presson submitted the following :

Resolved, That Hon. E. H. Rogers, be and he is hereby requested to draft a bill to appropriate a certain amount of State land in aid of the construction of a bridge across Platte River, at Fremont, Dodge County.

Mr. Presson moved the rules be suspended, and the resolution considered, which was decided in the negative, as follows :

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Patrick, Presson, Wardell and Mr. President—9.

For the negative—Messrs. Reeves and Sheldon—2.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has agreed to the amendment of the Senate to H. No. 43, An act to provide for the protection of stock from contagious diseases.

The House has passed a bill of the Senate of the following title, viz:

S. No. 65, Joint Resolution relative to Indian Policy, without amendment.

The House has passed bills of the following titles, viz:

H. No. 70, An act to provide for the building of a bridge across the Elhorn.

H. No. 79, An act to authorize and empower the Town Council of Columbus to convey real estate for special purposes.

In which I am directed to ask the concurrence of the Senate.

Mr. Doom asked, and obtained leave, to introduce S. No. 71, An act to amend an act to incorporate the Platte River Bridge Company, approved February 18th, 1867, which was read the first time.

On motion of Mr. Doom, by unanimous consent, the rules were suspended and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—13.

For the negative—none.

Mr. Davis asked and obtained leave to introduce S. No. 72, An act to repeal chapter 16 of the Revised Statutes of Nebraska, entitled Divorce and Alimony, which was read the first time.

Mr. Sheldon asked and obtained leave to introduce S. No. 73, An act to amend section 6, title 2d, entitled, Time of commencing civil actions, part 2d of the code of civil procedure of the Revised Statutes of Nebraska, which was read the first time.

Mr. Presson asked and obtained leave to introduce S. No. 74, An act to provide for selling ten acres of section No. 16, of town No. 1, range 16, in Richardson County.

H. No. 66, An act to amend an act, entitled an act to incorporate the Council Bluffs Ferry and Bridge Company, approved February 21st, 1855, was read the first time.

H. No. 75, An act to give the Commissioners further time to locate the Seat of Government and Public Buildings of the State of Nebraska, was read the first time.

H. No. 51, An act for the sale of lands of minors and other persons under guardianship and securing the proceeds for their use, was read the first time.

H. No. 58, An act to amend an act, entitled an act to prescribe the forms to be used by Justices of the Peace in criminal cases, and to provide a

uniform system of empanelling juries in criminal cases, approved February 18th, 1867, was read the first time.

H. No. 28, An act for the revision of the school laws, was read first time.

H. No. 27, An act to provide for the election of County Superintendents of Public Instruction, and to prescribe their duties, was read the first time.

H. No. 29, An act to provide for and define the duties of State Superintendent of Public Instruction, was read the first time.

H. No. 59, An act further to abolish the distinctions between actions at law and suits in chancery, by abolishing certain common law writs, and regulating the proceedings by the code, was read the first time.

On motion of Mr. Doom, the rules were suspended, and the several bills read the second time by their titles and severally referred to Committee of the whole, except the following :

S. No. 72; which was, on motion of Mr. Presson, indefinitely postponed.

For the affirmative—Messrs. Doom, Freeman, Holden, Majors, Patrick, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Davis, Hascall, Reeves and Wardell—4.

H. No. 51, to the Judiciary Committee.

H. No. 28, to the Committee on Education.

H. No. 59, to the Judiciary Committee.

Mr. Doom moved the adoption of the report of the Committee of Conference, "That the Senate concur in the amendments of the House to Sen. Sub. H. No. 10, an act to provide a contingent fund for the current expenses of the Senate and House of Representatives of the State of Nebraska.

1st amendment—Strike out section 5.

Concurred in as follows :

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—12.

For the negative—none.

2d amendment—Strike out "two dollars," relative to pay of President and Speaker, and insert "three dollars."

Non-concurred in as follows :

For the affirmative—Messrs. Baird, Doom, Patrick and Sheldon—4.

For the negative—Messrs. Davis, Freeman, Hascall, Holden, Majors Presson, Reeves, and Wardell—8.

On motion of Mr. Davis, Messrs. Davis and Doom were appointed a Committee of Conference upon the disagreement of the two Houses.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President :

The House of Representatives has adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the third amendment of the House, non-concurred in by the Senate, to a bill of the

Senate, (S. No. 15,) relating to revenue, and has receded from its said amendment.

On motion of Mr. Wardell, the Senate proceeded to consider, in Committee of the whole, the several bills on second reading, Mr. Patrick in the Chair.

The Committee rose and reported as follows:

H. No. 58, An act to amend an act entitled an act to prescribe forms to be used by Justices of the Peace, in criminal cases; and to provide a uniform system of empanelling juries in criminal cases, approved February 18th, 1867, that the bill be passed to third reading.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Omaha, June 19, 1867. }

Mr. President :

The Governor directs me to notify your honorable body that he has this day approved and signed an act, entitled, An act to repeal an act to amend an act to incorporate the South Nebraska Rail Road Company.

Also, An act entitled an act to amend the code of civil procedure, by abolishing the distinctions between actions at law and suits in equity.

C. H. GERE, *Private Secretary.*

H. No. 66, An act to amend an act entitled an act to incorporate the Council Bluffs Ferry and Bridge Company, approved February 21st, 1855, that it be ordered to third reading.

The ayes and nays being demanded upon the adoption of the report, it was decided in the affirmative, as follows :

For the affirmative—Messrs. Davis, Doom, Freeman, Holden, Majors, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Baird, Hascall, Patrick, Reeves and Wardell—5.

H. No. 75, An act to give the Commissioners further time to locate the Seat of Government and Public Buildings of the State of Nebraska, that it be ordered to third reading.

H. No. 29, An act to provide for and define the duties of State Superintendents of Public Instruction, that it lie upon the table.

H. No. 27, An act to provide for the election of County Superintendents of Public Instruction, and to prescribe their duties, that it lie upon the table.

H. No. 49, An act to amend section 17, of chapter 19, of the Revised Statutes of Nebraska, entitled Fees, that it be indefinitely postponed.

S. No. 13, An act to provide for the selection and sale of the common school lands, and for the safe-keeping of the funds arising from the sale of the same, that it lie upon the table.

S. No. 54, An act providing for the appointment of an Adjutant General of the State, and defining his duties, that it lie upon the table.

S. No. 73, An act to amend section 6, title 2d, entitled, Time of commencing civil actions, part 2d of the code of civil procedure of the Revised Statutes of Nebraska, that it be ordered to third reading.

On motion of Mr. Hascall, the bill was amended by striking out the word "ten," and inserting the word "twelve."

Ordered that the bill be engrossed for third reading.

The reports were severally adopted.

On motion of Mr. Hascall, the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

Met at 2 o'clock P. M.

Called to order.

Mr. Reeves, from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

H. No. 43, An act to provide for the protection of stock from contagious diseases.

H. No. 52, Joint Resolution relative to overflowed and swamp lands.

H. No. 53, An act to amend an act, entitled an act to restrain stock from running at large in the Counties of Clay, Lancaster and Seward, approved February 15th, 1864, and amended February 13th, 1865.

Also, as correctly engrossed, S. No. 73, An act to amend section 6, title 2d, entitled time of commencing civil actions, part 2d of the code of civil procedure of the Revised Statutes of Nebraska.

Mr. Presson, by consent of the Senate, introduced S. No. 75, An act to repeal an act, entitled an act to amend section 75, of chapter 25, entitled Incorporations, of the Revised Statutes of Nebraska.

The Senate proceeded to the consideration of bills on third reading.

H. No. 66, An act to amend an act entitled an act to incorporate the Council Bluffs Ferry and Bridge Company, approved February 21st, 1855, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Sheldon and Mr. President—7.

For the negative—Messrs. Freeman, Hascall, Reeves and Wardell—4.

H. No. 18, An act prescribing the duties of Secretary of State, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman, Reeves and Wardell—3.

H. No. 58, An act to amend an act, entitled an act to prescribe forms to be used by Justices of the Peace in criminal cases, and to provide a uniform system of empanelling juries in criminal cases, approved February 18th, 1867, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—9.

For the negative—Messrs. Freeman and Wardell—2.

H. No. 34, An act to give the 10th section of title 2d, entitled time of commencing actions, of part 2d, entitled, code of civil procedure of the R. S. Nebraska, a proper construction, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Reeves, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman, Presson and Wardell—3.

Mr. Davis moved to re-consider the vote by which the bill passed, and that that motion be laid upon the table, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Reeves, Sheldon, Wardell and Mr. President—8.

For the negative—Messrs. Freeman, Majors and Presson—3.

H. No. 46, An act to amend section 2d, chapter 36, of the Revised Statutes of Nebraska, entitled Mills and mill dams, was read the third time.

The President put the question "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Hascall, Majors, Presson and Wardell—7.

For the negative—Messrs. Freeman and Sheldon—2.

H. No. 68, An act to amend an act entitled an act to restrain swine from running at large within the limits of the Territory of Nebraska, was read the third time.

On motion of Mr. Wardell, the bill was re-committed to the Nemaha delegation, with instructions to report instant.

The Nemaha delegation reported H. No. 68, recommending to strike out the word "swine," wherever it occurs in the bill; also that the bill be made the special order on Saturday at 3 o'clock P. M.

H. No. 75, An act to give the Commissioners further time to locate the Seat of Government and Public Buildings of the State of Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Doom, Freeman, Holden, Hascall, Majors, Presson, Reeves, Sheldon and Wardell—9.

For the negative—Mr. Baird—1.

H. No. 74, An act to authorize the Governor to employ counsel in actions by and against the State, was read the third time.

On motion of Mr. Doom, the bill was re-committed to the Judiciary Committee.

Sub. S. No. 69, An act to amend section 8, of the Revised Statutes of Nebraska, entitled Bonds, was read the third time.

Mr. Presson moved the bill be re-committed to a Special Committee—
Mr. Reeves.

Disagreed to.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

For the negative—none.

S. No. 60, An act to provide for the disposition of unclaimed lots entered by corporate authorities, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman, Hascall and Wardell—3.

Sub. S. No. 51, An act to amend section 336, of chapter 29, of the Revised Statutes of Nebraska, was read the third time.

Mr. Presson moved the bill be re-committed.

Mr. Wardell moved to lay that motion on the table, which was agreed to.

The President put the question, "Shall the bill pass?" which was decided in the negative, as follows:

For the affirmative—Messrs. Davis and Doom—2.

For the negative—Messrs. Baird, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Wardell—9.

S. No. 73, An act to amend section 6, title 2d, entitled, time of commencing civil actions, part 2d of the code of civil procedure, of the Revised Statutes of Nebraska, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves and Sheldon—8.

For the negative—Messrs. Freeman and Wardell—2.

Sub. S. No. 3, An act to authorize the Board of Education of Otoe Precinct, Otoe County, to levy a special tax, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Freeman, Hascall, Holden, Presson, Reeves and Wardell—7.

For the negative—Messrs. Baird, Doom, Majors and Sheldon—4.

S. No. 55, An act for the organization of Counties, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Presson, Reeves, Sheldon and Wardell—9.

Negative—none.

On motion of Mr. Wardell, the Senate adjourned.

SENATE CHAMBER,
Thursday, June 20, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll Called.

Journal read and approved.

Mr. Doom, from the Judiciary Committee, reported H. No. 74, An act to authorize the Governor to employ counsel in actions by, and against the State, without amendment.

Mr. Davis, from the Committee on Education, submitted a majority report upon S. No. 52, An act to provide for the leasing of the school lands of the State of Nebraska, that the bill be indefinitely postponed.

Mr. Wardell submitted a minority report upon said bill, that it do pass with an amendment.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has refused to adopt the report of the Committee of Conference on the disagreeing votes of the two Houses, on the amendment of the House to S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Ask a further conference thereon, and has appointed Messrs. Griffin, Crowe and Daily, managers at said conference on the part of the House.

The House has agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses, on the amendment of the House, proposed to the amendment by way of substitute of the Senate to H. No. 10, providing a contingent fund for the two Houses, and Messrs. Crawford, Harvey and Wiles have been appointed the managers on the part of the House at such conference.

The House has passed a bill of the following title, viz :

H. No. 73, An act to provide for keeping the convicts of the State of Nebraska.

In which I am directed to ask the concurrence of the Senate.

The House has passed bills of the Senate of the following titles, without amendment.

S. No. 28, An act to locate, establish and endow a State Normal School.

S. No. 64, Memorial and Joint Resolution concerning John S. Lemon.

S. No. 56, An act to donate seventy-five sections of the public lands of the State to the Northern Nebraska Air Line Rail Road Company.

The House has also passed a bill of the following title, viz :

H. No. 62, An act to provide for the registry of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale of said lands.

In which I am directed to ask the concurrence of the Senate.

The House has refused to pass a bill of the Senate of the following title, viz :

S. No. 53, An act to transfer to the City of Omaha, for school purposes, the Capitol grounds and building in said City, and provide means for the erection of public buildings.

On motion of Mr. Doom, Messrs. Presson and Baird were appointed a Committee of Conference upon the disagreement of the two Houses to S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Mr. Reeves from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

S. No. 15, An act to amend chapter 46, part 1st of the Revised Statutes of Nebraska, entitled Revenue.

S. No. 64, Memorial and Joint Resolution concerning John S. Lemon.

Mr. Davis from the Committee on Education, reported H. No. 28, An act for the revision of the school laws, with amendments.

Mr. Wardell, from the same Committee, submitted a minority report, with amendments.

A message from the House. by Mr. Bowen, its Clerk.

Mr. President :

The House of Representatives has disagreed to the amendments of the Senate to H. No. 18, An act prescribing the duties of the Secretary of State.

Ask a conference thereon, and has appointed Messrs. Harvey, Woolworth and Cole, the managers at said conference on the part of the House.

On motion of Mr. Doom, Messrs. Hascall and Davis were appointed a Committee of Conference on said bill.

H. No. 73, An act providing for keeping the convicts of the State of Nebraska, was read the first time.

H. No. 70, An act to provide for building a bridge across the Elkhorn, was read the first time.

H. No. 79, An act to authorize and empower the town council of Columbus to convey real estate for special purposes, was read the first time.

S. No. 75, An act to repeal an act entitled an act to amend section 75 of chapter 25, of the Revised Statutes of Nebraska, entitled Incorporations, was read the first time.

S. No. 74, An act to provide for selling ten acres of section 16, town 1, range 16, in Richardson County, was read the first time.

H. No. 62, An act to provide for the registry of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale of said lands, was read the first time.

Mr. Doom moved a suspension of the rules, and the bills read the second time by titles, which was disagreed to, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Reeves, Wardell and Mr. President.—8.

For the negative—Messrs. Baird, Freeman, Hascall and Presson—4.

On motion of Mr. Freeman, the Senate agreed to reconsider the vote by which it refused to suspend the rules.

Mr. Doom moved the rules be suspended, and H. No. 62, An act for the registry of the school lands, be read the second time by its title, and referred to Committee of the whole, which was disagreed to as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Majors, Reeves, Sheldon, Wardell and Mr. President—8.

For the negative—Mr. Presson—1.

On motion of Mr. Davis, the Senate agreed to reconsider the vote by which H. No. 54, An act to amend section 2, of chapter 12, of the Revised Statutes of Nebraska, entitled, County Seats, was made the special order on Saturday, the 22d, at 2 o'clock P. M.

Mr. Presson moved to amend the bill by inserting, in the 5th line, section 1st, after the word "County," the words "except Richardson."

Mr. Sheldon moved to amend the amendment by striking out the words, "except Richardson," and inserting the words, "All the Counties of the State except Nemaha," which was agreed to.

The question recurring upon the original amendment as amended, was disagreed to.

Mr. Doom offered the following amendment, which was disagreed to.

Provided, That the provisions of this act shall not apply to the Counties of Richardson, Otoe, Sarpy, Douglas and Dodge.

Mr. Sheldon moved the bill be made the special order at 10 o'clock, Monday, which was disagreed to.

Mr. Presson moved the following amendment, which was adopted.

Provided, That the provisions of this act shall not affect the County of Richardson.

On motion of Mr. Hascall, the amendment was ordered engrossed, and the bill ordered to third reading.

On motion of Mr. Davis, the following bills were ordered to third reading:

H. No. 68, An act to amend an act, entitled an act to restrain swine from running at large in the Counties of Clay, Lancaster and Seward, approved February 15th, 1864, and amended February 13th, 1865.

H. No. 74, An act to authorize the Governor to employ counsel in actions by and against the State.

Mr. Hascall asked and obtained leave to introduce the following:

Resolved, That the Committee on Library be, and they are hereby instructed to make an investigation, and without delay, report the action

necessary in order to procure the return to the State Library, of the numerous valuable books missing therefrom.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor, for His signature, the following bills:

S. No. 64, Memorial and Joint Resolution concerning John S. Lemon, at 25 minutes after 10 o'clock A. M.

S. No. 15, An act to amend chapter 46, part 1st, of the Revised Statutes of Nebraska, entitled Revenue, at 40 minutes after 9 o'clock A. M.

On motion of Mr. Presson, the Senate proceeded to consider, in Committee of the whole, H. No. 28, An act for the revision of the school law, Mr. Davis in the Chair.

On motion of Mr. Doom, the Committee rose and reported some progress, and asked leave to sit again.

On motion of Mr. Davis, the Senate took a recess until two o'clock P. M.

AFTERNOON SESSION.

Met at two o'clock P. M.

Called to order.

Mr. Reeves, from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

S. No. 56, An act to donate 75 sections of the Public Lands to the Northern Nebraska Air Line Rail Road Company.

H. No. 58, An act to amend an act, entitled an act to prescribe forms to be used by Justices of the Peace in criminal cases, and to provide a uniform system of empanelling juries in criminal cases, approved Feb. 18th, 1867.

H. No. 75, An act to give the Commissioners further time to locate the Seat of Government and Public Buildings of the State of Nebraska.

H. No. 46, An act to amend section 2d, chapter 36, of the Revised Statutes of Nebraska, entitled Mills and mill dams.

H. No. 66, An act to amend an act entitled an act to incorporate the Council Bluffs Ferry and Bridge Company, approved February 21st, 1855.

S. No. 28, An act to locate, establish and endow a State Normal School.

S. No. 65, Joint Resolution relative to Indian Policy.

Mr. Doom, from the Judiciary Committee, reported H. No. 57, An act for the sale of lands of minors, and other persons under guardianship, and securing the proceeds for their use, without amendment.

Mr. Doom, from the Committee of Conference on the disagreement of the two Houses to the amendment made by the House to S. Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives, to define their duties and establish their pay, reported that the opinion of the Committee was, that the Senate do concur in said amendment, to wit:

Section 3d, 7th line, strike out "two dollars" and insert, in lieu thereof "three dollars."

Mr. Davis moved the Senate adopt the report, which was agreed to, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Reeves and Sheldon—8.

For the negative—Mr. Presson—1.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor, for his signature, the following bills:

S. No. 56, An act to donate 75 sections of the public lands to the Northern Nebraska Air Line Railroad Company, at 15 minutes after 2 o'clock P. M.

S. No. 28, An act to locate, establish and endow a State Normal School.

S. No. 65, Memorial and Joint Resolution relative to Indian Policy, at 30 minutes after 4 o'clock P. M.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Omaha, June 20, 1867.

Mr. President:

The Governor directs me to notify your honorable body that he has this day approved and signed an act entitled, An act to donate 75 sections of the public lands of the State to the Northern Nebraska Air Line Rail Road Company.

Also, An act entitled an act to amend chapter 46, part 1st, of the Revised Statutes of Nebraska, entitled Revenue.

Also, a Memorial and Joint Resolution concerning John S. Lemon.

Also, An act entitled an act to locate, establish and endow a State Normal School.

C. H. GERE, Private Secretary.

On motion of Mr. Davis, the Senate proceeded to consider, in Committee of the whole, bills on second reading.

On motion of Mr. Rogers, the Committee rose and reported H. No. 51, An act for the sale of lands of minors and other persons under guardianship, and securing the proceeds for their use, that it be ordered to third reading.

H. No. 28, An act for the revision of the school laws, so far as amended, to be engrossed for third reading.

Report adopted.

Mr. Doom moved a suspension of the rules, and H. No. 51, be read the third time by its title, which was decided in the negative as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Reeves, Sheldon and Mr. President—8.

For the negative—Mr. Presson—1.

Mr. Davis moved a call of the House.

Absent—Messrs. Baird, Freeman and Hascall.

On motion of Mr. Davis, the Sergeant-at-Arms was dispatched after absentees.

The Sergeant appeared and reported Mr. Freeman present.

On motion of Mr. Doom, Mr. Freeman was admitted within the bar, and all further proceedings under the call dispensed with.

Mr. Presson moved the Senate reconsider the vote by which it refused to suspend the rules, which resulted in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—10.

For the negative—none.

The bill was then read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—10.

For the negative—none.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has indefinitely postponed the further consideration of a bill of the Senate of the following title, viz:

S. No. 70, An act to amend an act approved February 8th, 1867, entitled an act to amend section 1, of an act entitled an act to revise and consolidate the several acts relative to the City of Omaha, and for other purposes, approved February 11th, 1865.

Mr. Hascall moved to adjourn.

Disagreed to.

H. No. 54, An act to amend section 2d, chapter 12, of the Revised Statutes of Nebraska, entitled County Seats, was read the third time.

On motion of Mr. Majors, ordered that the bill lie over until to-morrow at 10 o'clock A. M.

H. No. 68, An act to amend an act entitled an act to restrain swine from running at large within the limits of the Territory of Nebraska, approved February 18th, 1867, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson, Reeves and Mr. President—8.

For the negative—none.

H. No. 74, An act to authorize the Governor to employ counsel in ~~and~~ by and against the State, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, and Sheldon—9.

For the negative—none.

On motion of Mr. Doom, the Senate adjourned.

SENATE CHAMBER,
Friday, June 21, 1867.

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Doom from the Judiciary Committee, reported H. No. 59, An act further to abolish the distinction between actions at law and suits in chancery by abolishing certain common law writs, and regulating the proceedings by the Code, with sundry amendments.

The following reports were submitted by the Special Committee upon H. No. 37, An act to appoint a State Agent.

Mr. President:

The undersigned, a minority of the Special Committee, to whom was referred H. No. 37, would respectfully represent that the duties imposed upon said Agent are to collect from the United States Government the remainder due the State on account of the late Indian War.

The individual named in the bill is familiar with the subject, and could prepare and present our claims at far less expense than any other person.

The compensation allowed by said bill is not more than sufficient to cover actual expenses.

Therefore I would recommend the passage of the bill.

J. E. DOOM.

Mr President:

As a member of the Special Committee to whom was referred H. No. 37, An act to appoint a State Agent, have had the same under consideration and beg leave to report as follows:

I find upon investigation that the accounts of the State as disallowed by the General Government are itemized, and the difficulties existing therewith fully explained, hereby explaining how and in what manner proceedings are to be instigated for the collection of the disallowed claims.

With the plain statement as submitted by the Controller, it is evident that the greatest labor connected with this claim, will be in collecting the proper voucher in this State, and in consideration of the expense of this bill, I would recommend that the Governor of the State be instructed to collect the necessary voucher for the securement of this claim, and after such collection the papers be forwarded to our Representative in Congress, in order that the claim may be allowed, which there will be no question about, if the work at home is done properly.

T. J. MAJORS.

Mr. Freeman submitted the following, and moved a suspension of the rules for its consideration, which was disagreed to.

Be it resolved by the Senate and House of Representatives, now convened, That both Houses do hereby mutually agree to adjourn *sine die*, this day, Friday, at 6 o'clock P. M.

The resolution submitted yesterday by Mr. Hascall, That the Committee on Library be instructed to inquire into the condition of the State Library, and take steps to procure the return of many valuable books belonging thereto, was considered and adopted.

Mr. Reeves from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

S. Sub. H. No. 10, An act fixing the number of officers and employees of the Senate and House of Representatives; to define their duties and establish their pay.

H. No. 74, An act to authorize the Governor to employ counsel in actions by and against the State.

A message from the House by Mr. Bowen, its Clerk.

Mr. President :

The House has agreed to the amendment of the Senate to H. No. 68, An act to amend an act entitled an act to restrain swine from running at large within the limits of the Territory of Nebraska, approved February 18th, 1867.

The House has passed a bill of the Senate of the following title, viz :

S. No. 8, An act to define the duties and liabilities of railroad companies, without amendment.

H. No. 79, An act to authorize and empower the Town Council of Columbus to convey real estate for special purposes, was read the second time and referred to Committee of the whole.

H. No. 70, An act to provide for building a bridge across the Elkhorn, was read the second time and referred to the Douglas County delegation.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President :

The House of Representatives has passed bills of the following titles, viz :

H. No. 60, An act to appropriate money in aid of the Geological Survey of Nebraska.

H. No. 71, An act to define the nature, and provide for the distribution of the school funds.

H. No. 72, Joint Resolution and Memorial relative to a mail route from Dakotah City to Niobrarah.

In which I am directed to ask the concurrence of the Senate.

H. No. 73, An act to provide for keeping the convicts of the State of Nebraska, was read the second time and referred to Committee of the whole.

H. No. 62, An act to provide for the registration of the school lands, for the control and disposition thereof, and for the safe-keeping of the funds deriyed from the sale of said lands, was read the second time and referred to the Committee of the whole.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the Senate of the following title, viz:
S. No. 43, An act to provide for the registration of the voters of the State, with an amendment.

In which I am directed to ask the concurrence of the Senate.

S. No. 39, An act to prescribe the fees of certain officers, without amendment.

Mr. Davis moved the Senate concur in the amendment of the House to S. No. 43, which was "That the registration should apply to Municipal Elections."

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Presson and Mr. President—6.

For the negative—Messrs. Doom, Freeman, Holden, Patrick, Reeves, Sheldon and Wardell—7.

On motion of Mr. Doom, Messrs. Doom and Majors were appointed a Committee of Conference on the disagreement to said bill.

S. No. 74, An act to provide for selling ten acres of section 16, of town 1, range 16, in Richardson County, was read the second time and referred to Committee of the whole.

S. No. 75, An act to repeal an act entitled an act to amend section 75 of chapter 25, of the Revised Statutes of Nebraska, entitled Incorporations, was read the second time.

Mr. Davis moved the bill be referred to the Committee on Education.

Mr. Presson moved to amend by referring the bill to Committee of the whole.

Amendment lost.

Mr. Patrick moved to amend, by referring it to the Judiciary Committee, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Majors, Patrick, Sheldon and Mr. President—7.

For the negative—Messrs. Baird, Hascall, Holden, Presson, Reeves and Wardell—6.

Mr. Presson moved the Committee be instructed to report instant, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Holden, Patrick, Presson, Reeves, Wardell and Mr. President—7.

For the negative—Messrs. Davis, Doom, Freeman, Hascall, Majors and Sheldon—6.

Mr. Wardell raised the point of order, "That an act passed at the present Session, cannot be amended or repealed at the present, or same session."

Overruled.

Mr. Reeves moved H. No. 54, An act to amend section 2, of chapter 12, of the Revised Statutes of Nebraska, entitled, County Seats, be re-committed, with instructions to strike out the amendment adopted yesterday, and report instant, which was decided in the affirmative, as follows :

For the affirmative—Messrs. Baird, Freeman, Hascall, Holden, Majors, Patrick, Reeves and Wardell—8.

For the negative—Messrs. Davis, Doom, Presson, Sheldon and Mr. President—5.

Messrs. Reeves and Presson were appointed said committee.

Mr. President:

The Chairman of the Special Committee to whom was referred H. No. 54, has had the same under consideration, and recommend that the amendment exempting Richardson County from the operations of the bill, be stricken out, in accordance with the instructions of the Senate.

MILLS S. REEVES, *Chairman.*

Mr. President :

Your Special Committee to whom was referred H. No. 54, with instructions to strike out Richardson County, have failed to see any good results to be obtained by the provisions of this bill. It is proposed to again open up the ever vexed question of County Seats, and bring bickering, local quarreling, and retard the interest and prosperity of many Counties, and blast out the hope of the people of having anything permanent at the County Seat. And while your Committee have complied with special instructions, I most earnestly, in behalf of the best interests of the State, recommend that the bill do not pass.

W. A. PRESSON.

Mr. Patrick moved to amend by striking out the amendment in regard to Richardson County.

On motion of Mr. Doom, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Met at 2 o'clock P. M.

The motion of Mr. Patrick, which was pending before adjournment, was put and decided in the negative, as follows:

For the affirmative—Messrs. Freeman and Reeves—2.

For the negative—Messrs. Davis, Doom, Hascall, Presson, Sheldon and Mr. President—6.

Ordered that the bill be passed to third reading.

A message from the House by Mr. Bowen, its Clerk:

Mr. President :

The House has refused to pass S. No. 25, An act appropriating money to satisfy the claim of Dr. Philip O'Hanlon for money expended by him in promoting immigration to Nebraska.

The House has passed bills of the Senate of the following titles, viz :

S. No. 62, An act to provide for the appointment of Clerks of the District Courts.

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State.

S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties in Nebraska, with amendments.

In which I am directed to ask the concurrence of the Senate.

S. No. 36, An act to require the payment of certain costs, upon commencement of suits in the District and Supreme Courts, without amendment.

S. No. 34, An act to define the duties of State Librarian, with amendment.

In which I am directed to ask the concurrence of the Senate.

S. No. 46, An act to locate a State road from Covington, Dakota County, to West Point, Cuming County, Nebraska, without amendment.

The House has agreed to the Conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. No. 43, for the registry of voters, and has appointed Messrs. Kelley, Daily and Woolworth, the managers of such Conference on the part of the House.

Mr. Davis moved a call of the House.

Agreed to.

Absent—Messrs. Baird, Holden, Majors, Patrick, Presson, Sheldon and Wardell.

On motion of Mr. Doom, the Sergeant-at-Arms was dispatched after absentees.

The Sergeant appeared and reported Messrs. Presson, Sheldon and Holden present.

On motion of Mr. Doom, the absentees were admitted within the bar, and all further proceedings under the call, dispensed with.

Mr. Freeman moved the Senate concur in the amendments of the House to S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties.

For the affirmative—Messrs. Doom, Freeman, Holden, Reeves, Sheldon, Wardell and Mr. President—7.

For the negative—Mr. Presson.

Resolved, That the Senate concur therein.

Mr. Doom moved the Senate concur in amendments of the House to S. No. 62, An act to provide for the appointment of Clerks of the District Courts.

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Presson, Sheldon and Mr. President—8.

For the negative—Messrs. Reeves and Wardell—2.

Resolved, That the Senate concur therein.

Mr. Doom moved the Senate concur in the amendments of the House to S. No. 34, An act to define the duties of State Librarian.

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—10.

For the negative—Mr. Holden—1.

Resolved, That the Senate concur therein.

Moved that the Senate concur in the amendments to S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State.

For the affirmative—Messrs. Davis, Holden, Majors and Presson—4.

For the negative—Messrs. Baird, Doom, Freeman, Hascall, Patrick, Reeves, Sheldon, Wardell and Mr. President—9.

Resolved, That the Senate non-concur therein.

Mr. Reeves, from the Committee, reported, as truly enrolled, the following bills:

S. No. 8, An act to define the duties and liabilities of Railroad Companies.

S. No. 39, An act to prescribe the fees of certain officers.

S. No. 36, An act to require the payment of certain costs upon the commencement of suits in the District or Supreme Courts.

When the President signed the same.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has instructed me to request the return to the House of a bill of the Senate, viz:

S. No. 25, Relative to the claim of Dr. Philip O'Hanlon.

The House has passed bills of the following titles, viz:

H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868, and for other purposes.

H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out.

In which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the Senate of the following title, viz:

S. No. 27, An act to amend section 15, of chapter 48, entitled Schools, of the Revised Statutes of Nebraska, without amendment.

The House has indefinitely postponed the further consideration of S. No. 60, An act to provide for the disposition of unclaimed lots entered in trust, by corporate authorities.

On motion of Mr. Doom,

Ordered that S. No. 25, An act to satisfy the claim of Dr. Philip O'Hanlon, be returned to the House.

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the whole, bills on second reading, Mr. Doom as Chairman.

On motion of Mr. Davis, the Committee rose and reported various amendments to H. No. 62, An act to provide for the registry of school lands, for the control and disposition thereof, and for the safe-keeping of the funds arising from the sale of said lands.

Mr. Presson moved the Senate resolve itself into Committee of the whole.

Disagreed to.

Mr. Doom moved to adjourn.

Disagreed to.

Mr. Reeves from the Committee, reported, as truly enrolled, the following bills, when the President signed the same.

S. No. 6, An act to define the boundaries of Monroe and Cheyenne Counties.

S. No. 62, An act to provide for the appointment of Clerks of the District Courts.

Also, as correctly engrossed, the amendments to H. No. 28, An act for the revision of the school laws.

On motion of Mr. Hascall, the rules were suspended for the consideration of H. No. 28.

On motion of Mr. Patrick, the rules were suspended, and the bill read the third time by its title.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Wardell and Mr. President—11.

For the negative—Mr. Doom—1.

Motion to amend title agreed to.

Mr. Patrick moved to adjourn.

Disagreed to.

On motion of Mr. Freeman, H. No. 79 was taken up, An act to authorize, the Town Council of Columbus to convey real estate for special purposes.

Ordered that the bill be passed to third reading.

S. No. 74, An act to provide for selling ten acres of section 16, town 1, range 16, in Richardson County.

On motion of Mr. Presson, the bill was amended, by inserting the words "five dollars per acre," and the word "State" before the word "lands."

Ordered that the bill be passed to third reading.

H. No. 37, An act to appoint a State Agent.

Mr. Patrick moved the bill be indefinitely postponed, which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Freeman, Majors, Patrick, Reeves, Sheldon and Wardell—8.

For the negative—Messrs. Doom, Hascall, Holden and Presson—4.

On motion of Mr. Majors, Hon. O. B. Hewitt was invited within the bar.

Mr. Freeman moved to adjourn.

Disagreed to.

S. No. 52, An act to provide for the leasing of the school lands of the State of Nebraska.

On motion of Mr. Wardell, ordered that the bill do lie upon the table.

H. No. 73, An act to provide for keeping the convicts of the State of Nebraska.

Ordered that the bill be made the special order on to-morrow at 10 o'clock A. M.

On motion of Mr. Reeves, H. No. 59 was taken up, An act further to abolish the distinctions between actions at law and suits in chancery, by abolishing certain common law writs and regulating the proceedings by the Code.

Mr. Hascall moved the bill be made the special order at 11 o'clock A. M., on to-morrow.

Disagreed to.

Mr. Reeves moved the bill be read the third time.

Disagreed to.

On motion of Mr. Doom, the report of the Judiciary Committee was adopted.

Mr. Presson moved the amendments of the Committee, just adopted, be ordered engrossed.

Agreed to.

Mr. Reeves from the Joint Committee, reported as having presented to the Governor for his signature, the following bills:

S. No. 36, An act to require the payment of certain costs upon commencement of suits in the District and Supreme Courts, at 10 minutes after three o'clock P. M.

S. No. 8, An act to define the duties and liabilities of Railroad Companies.

S. No. 39, An act to prescribe the fees of certain officers, at 15 minutes after 2 o'clock P. M.

S. No. 62, An act to provide for the appointment of Clerks of the District Courts.

S. No. 6, An act to define the boundary of Cheyenne County in Nebraska, at 40 minutes after 4 o'clock P. M.

On motion of Mr. Patrick, the Senate adjourned.

SENATE CHAMBER,
Saturday, June 22d, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Upon request, Page Kennard was granted leave of absence during the remainder of the session.

Mr. Doom, from the Judiciary Committee, reported S. No. 75, An act to repeal an act entitled an act to amend section 75 of chapter 25, of the Revised Statutes of Nebraska, entitled Incorporations, without recommendation.

Mr. Majors, from the Committee of Conference upon the disagreement to the amendment of the House to S. No. 43, An act to provide for the registration of the voters of the State, reported, that the Senate concur therein.

On motion of Mr. Davis, the Senate concurred in the amendment as follows:

For the affirmative—Messrs. Baird, Davis, Hascall, Majors, Presson, Sheldon and Mr. President—7.

For the negative—Messrs. Doom, Freeman, Holden, Reeves and Wardell—5.

Mr. Presson from the Committee of Conference upon the disagreement to the amendment of the House to S. No. 32, An act to amend section 525 of the code of civil procedure relative to homesteads, reported that the House recede from its amendment.

Mr. Davis from the Committee of Conference upon the disagreement to the amendment of the Senate to H. No. 18, An act prescribing the duties of the Secretary of State, reported that the Senate recede from its amendment.

The President put the question, "Shall the Senate recede from its amendment?" which was decided in the negative, as follows.

For the affirmative—Messrs. Freeman, Hascall, Patrick, Reeves and Wardell—5.

For the negative—Messrs. Davis, Doom, Holden, Majors, Presson and Sheldon—6.

On motion of Mr. Doom, Messrs. Doom and Davis were appointed a Committee of Conference upon the disagreement to said bill.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has again refused to pass S. No. 25, An act appropriating money to satisfy the claim of Dr. Philip O'Hanlon for moneys expended by him in promoting immigration to Nebraska.

The House has indefinitely postponed the further consideration of S. No. 3, An act to authorize school districts to levy taxes for the erection of school houses.

The House has passed a bill of the Senate of the following title, viz:

S. No. 67, An act to amend section 36 of chapter 17, of the Revised Statutes of Nebraska, entitled elections, with amendments.

In which I am directed to ask the concurrence of the Senate.

On motion of Mr. Davis, the Senate concurred in the amendment to H. No. 67, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Sheldon and Wardell—9.

For the negative—none.

Mr. Reeves from the Committee reported, as truly enrolled, the following bills, when the President signed the same.

S. No. 34, An act to define the duties of State Librarian.

S. No. 46, An act to locate a State Road from Covington, Dakota County, to West Point, Cuming County, Nebraska.

H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868, and for other purposes, was read the first time.

On motion of Mr. Davis, the rules were suspended unanimously and the bill read the second time by its title and referred to Committee of the whole.

H. No. 60, An act to appropriate money in aid of the Geological Survey of the State of Nebraska, was read the first time.

H. No. 72, Joint Resolution and Memorial relative to a mail route from Dakota City to Niobrara, was read the first time.

Mr. Reeves from the Joint Committee, reported as having presented to the Governor for his signature, at 10 o'clock A. M., the following bills:

S. No. 34, An act to define the duties of State Librarian.

S. No. 46, An act to locate a State Road from Covington, Dakota County, to West Point, Cuming County, Nebraska.

Also, as correctly engrossed, the amendments to H. No. 59, An act further to abolish the distinctions between actions at law and suits in chancery, by abolishing certain common law writs and regulating the proceedings by the Code.

H. No. 71, An act to define the nature and provide for the distribution of the school funds, was read the first time.

H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out, was read the first time.

Mr. Presson moved a suspension of the rules, that the several bills might be read the second time by their titles.

Disagreed to:

Mr. Hascall moved the rules be suspended, and H. No. 71 be read the second time by its title.

Mr. Reeves moved to amend by including H. No. 60.

Amendment agreed to.

Original motion, as amended, disagreed to.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to a bill of the Senate, S. No. 43, providing for the registration of voters.

The House has concurred in the amendments of the Senate to a bill of the House, H. No. 28, revising the school laws, excepting the latter clause of section 61, an amendment of the Senate, in which the House disagrees.

Asks a Conference on the disagreeing votes thereon, and has appointed

Messrs. Harvey, Fuller and Daily, managers of said Conference on the part House.

The House has passed a bill of the following title, viz:

H. No. 80, Joint Resolution defining the time of the second regular Session of the Legislature.

In which I am directed to ask the concurrence of the Senate.

The House has passed bills of the Senate of the following titles, viz:

S. No. 69, An act to amend section 8 of the Revised Statutes of Nebraska, entitled Bonds.

S. No. 55, An act for the organization of Counties, without amendment.

The House has refused to pass bills of the Senate of the following titles, viz:

S. No. 71, An act to amend an act to incorporate the Platte River Bridge Company, approved February 18th, 1867.

S. No. 73, An act to amend section 6, title 2, entitled time of commencing civil actions, part 2d of the code of civil procedure of the Revised Statutes of Nebraska.

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. No. 18, An act prescribing the duties of the Secretary of State, insisting on its non-concurrence thereto.

The House has agreed to the Conference asked by the Senate on the disagreeing votes of the two Houses to S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, and has appointed Messrs. Fuller, Woolworth and Harvey the managers at said Conference on the part of the House.

The President put the question, "Shall the Senate recede from its amendments to H. No. 28, An act for the revision of the school laws?" which was decided in the negative as follows:

For the affirmative—none.

For the negative—Messrs. Davis, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon, Wardell and Mr. President—11.

Messrs. Davis and Reeves were appointed a Committee of Conference on the part of the Senate.

On motion of Mr. Doom, the Senate proceeded to consider in Committee of the whole, H. No. 62, An act to provide for the registration of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale and lease of said lands.

On motion of Mr. Wardell, the Committee rose and reported some progress and asked leave to sit again.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

OMAHA, June 22, 1867. }

Mr. President:

The Governor directs me to notify your honorable body, that he has this

day approved and signed an act entitled an act to prescribe the fees of certain officers.

Memorial and Joint Resolution relative to Indian Policy.

An act to define the duties and liabilities of railroad companies.

An act to require the payment of certain costs upon the commencement of suits in the District or Supreme Courts.

An act to provide for the appointment of Clerks of the District Courts.

An act to locate a State Road from Covington, Dakota County, to West Point, Cuming County, Nebraska.

An act to create the office of State Librarian and to define the duties of the same.

C. H. GERE, *Private Secretary*.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has adopted the following concurrent resolution.

Resolved by the Legislature of the State of Nebraska, That a Joint Committee of two on the part of the Senate and three on the part of the House be appointed to investigate all matters connected with the payment of claims by Hon. A. Saunders and Dr. J. McCann, Esq., or others, under any appropriations made by the Legislature of Nebraska for the payment of expenses accrued during the Indian difficulties on the Frontier in 1864, and that said Committee sit during the recess of the Legislature, and have power to send for persons and papers, and examine witnesses under oath; and that said Committee be required to make full report of their inquiries to the next Session of the Legislature.

In which I am directed to ask the concurrence of the Senate.

On motion of Mr. Davis, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Met at 2 o'clock P. M.

Called to order.

Mr. Davis from the Committee of Conference, reported that the Senate adhered to its amendments to the last clause of section 61 of H. 28; An act for the revision of the school laws.

On motion of Mr. Doom, the Senate resumed, in Committee of the whole, the consideration of H. No. 62, Mr. Doom as Chairman.

An act to provide for the registration of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale of said lands.

On motion of Mr. Hascall, the Committee rose and reported, that the bill be re-committed to a Special Committee, consisting of Mr. Doom.

Report adopted.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has passed bills of the Senate of the following titles, viz:

S. No. 60, An act to provide for the disposition of unclaimed lots entered in trust by corporate authorities.

S. No. 71, An act to amend an act to incorporate the Platte River Bridge Company, without amendment.

The House has adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. No. 28, An act for the revision of the school laws, and has concurred in said amendment.

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, and accordingly insists upon its amendment.

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to S. No. 32, Relating to Homesteads, and has receded from said amendment.

The House has agreed to the further Conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to H. No. 18, Relating to the Secretary of State, and has appointed Messrs. Wiles, Cadman and Unthank the managers at said Conference on the part of the House.

On motion of Mr. Presson, the Senate resumed the consideration of bills on second reading, in Committee of the whole, Mr. Presson as Chairman.

The Committee rose, when the following message was received from the Governor.

EXECUTIVE OFFICE,
Omaha, June 22d, 1867. }

Mr. President:

The Governor directs me to notify your honorable body, that he has this day approved and signed An act entitled an act to define the boundary of Cheyenne County in Nebraska.

C. H. GERE, *Private Secretary.*

Mr. Davis, from the Committee of Conference, reported an amendment to section 7, "That the Clerk shall receive the sum of one hundred dollars per annum," to H. No. 18, An act prescribing the duties of Secretary of State.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. No. 18, Prescribing the duties of Secretary of State, and has accordingly concurred in said amendment, with an amendment as follows, viz: Strike out the word "five" in said amendment and insert the word "one" instead.

Mr. Reeves from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

H. No. 68, An act to amend an act, entitled an act to restrain swine from running at large within the limits of the Territory of Nebraska.

S. No. 43, An act to provide for the registration of the voters of the State.

S. No. 69, An act to amend section 8 of the Revised Statutes of Nebraska, entitled Bonds.

S. No. 67, An act to amend section 36 of chapter 17 of the Revised Statutes of Nebraska, entitled Elections.

S. No. 55, An act for the organization of Counties.

The Committee resumed the consideration of bills.

On motion of Mr. Davis, the Committee rose and reported.

The reports were severally considered as follows:

H. No. 73, An act to provide for keeping the convicts of the State of Nebraska.

Ordered that the bill be indefinitely postponed.

S. No. 75, An act to repeal an act entitled an act to amend section 75 of chapter 25, entitled Incorporations, of the Revised Statutes of Nebraska.

Mr. Majors moved the bill be indefinitely postponed, which was decided in the affirmative as follows:

For the affirmative—Messrs. Davis, Doom, Majors, Patrick, Reeves and Sheldon—6.

For the negative—Messrs. Hascall, Holden, Presson and Mr. President—4.

H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868, and for other purposes.

Mr. Sheldon offered the following amendment: "For D. J. McCann for money overpaid by him for stock, \$800,00."

For the affirmative—Messrs. Doom, Holden, Sheldon and Mr. President—4.

For the negative—Messrs. Davis, Hascall, Majors, Presson and Reeves—5.

Amendment lost.

Mr. Sheldon moved to amend by striking out the item fixing the pay of the Private Secretary of the Governor at \$2000,00, and inserting \$1000,00 instead thereof.

For the affirmative—Messrs. Doom, Freeman, Patrick, Reeves, Sheldon and Mr. President.—6.

For the negative—Messrs. Davis, Hascall, Holden and Majors—4.

Ordered that the amendments be engrossed for third reading to-day.

Mr. Doom from the Special Committee, reported sundry amendments to

H. No. 62, An act to provide for the registration of school lands, for the control and disposition thereof, and for the safe-keeping of the funds arising from the sale or lease of said lands.

Report received.

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State.

The President put the question, "Shall the Senate concur in the amendments of the House?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors and Presson—6.

For the negative—Messrs. Patrick, Reeves and Sheldon—3.

On motion of Mr. Doom, the Senate proceeded, in Committee of the whole, Mr. Doom as Chairman, to the consideration of H. No. 62, An act to provide for the registration of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale of said lands.

On motion of Mr. Davis, the Committee rose and reported.

Mr. Davis moved the bill be ordered to its third reading at 6 o'clock P. M. to-day.

Mr. Sheldon moved the following proviso be attached to the bill:

Provided, That the Land Commissioner have the right to reject all bids on land, if in his opinion, said lands do not bring their cash value.

For the affirmative—Messrs. Davis, Freeman, Patrick, Reeves and Sheldon—5.

For the negative—Messrs. Doom, Hascall, Holden, Presson and Majors—5.
Amendment lost.

Mr. Sheldon moved an amendment in the same words, giving "the right to reject any and all bids" to the County Clerk.

For the affirmative—Messrs. Davis, Freeman, Majors, Patrick, Presson, Sheldon and Mr. President—7.

For the negative—Messrs. Doom, Hascall, Holden and Reeves—4.
Amendment adopted.

Mr. Patrick moved to amend by fixing the minimum price per acre at \$10.00, instead of \$7.50.

For the affirmative—Messrs. Davis, Hascall, Holden, Majors, Patrick, Sheldon and Mr. President—7.

For the negative—Messrs. Doom, Presson, Reeves and Freeman—4.
Amendment adopted.

Mr. Patrick moved the further consideration of the bill be postponed until Monday morning.

For the affirmative—Messrs. Freeman, Majors, Patrick, Reeves and Sheldon—5.

For the negative—Messrs. Davis, Doom, Hascall, Holden, Presson and Mr. President—6.

Motion lost.

Mr. Reeves, from the Joint Committee, reported as having presented to the Governor, for his signature, at 5 o'clock P. M. to-day, the following bills:

H. No. 68, An act to amend an act, entitled an act to restrain swine from running at large within the limits of the Territory of Nebraska.

S. No. 43, An act to provide for the registration of the voters of the State.

S. No. 69, An act to amend section 8 of the Revised Statutes of Nebraska, entitled Bonds.

S. No. 67, An act to amend section 36 of chapter 17 of the Revised Statutes of Nebraska, entitled Elections.

S. No. 55, An act for the organization of Counties.

On motion of Mr. Freeman, the Senate took a recess until 8 o'clock this evening.

EVENING SESSION.

Met at 8 o'clock P. M.

Mr. Reeves, from the Committee, reported, as truly enrolled, S. No. 32, An act to amend section 525 of the code of civil procedure, relating to homesteads.

Also, as correctly engrossed, the amendments to H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868, and for other purposes.

H. No. 62, An act providing for the registration of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale or lease of said lands, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative as follows:

For the affirmative—Messrs. Davis, Doom, Hascall, Holden, Majors, Presson and Mr. President—7.

For the negative—Messrs. Baird, Freeman, Patrick, Reeves and Sheldon—5.

H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868, and for other purposes, was read the third time.

On motion of Mr. Davis, the bill was re-committed to Mr. Reeves for amendment.

Mr. Patrick moved to adjourn.

Disagreed to.

The Special Committee, Mr. Reeves, reported H. No. 69 amended, by adding an item of \$200,00 for postage of members of the Legislature, as instructed by the Senate.

Report adopted.

The bill was again read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—8.

For the negative—Messrs. Freeman and Hascall—2.

Mr. Reeves from the Joint Committee, reported as having presented to the Governor for his signature, at 15 minutes after 10 o'clock P. M.,

S. No. 32, An act to amend section 525 of the code of civil procedure relating to homesteads.

On motion of Mr. Holden the Senate adjourned.

SENATE CHAMBER.

Monday, June 24, 1867. }

The Senate met pursuant to adjournment.

Prayer.

Roll called.

Journal read and approved.

Mr. Reeves, from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

H. No. 62, An act to provide for the registry of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale or lease of said lands.

S. No. 60, An act to provide for the disposition of unclaimed lots entered in trust by corporate authorities.

S. 71, An act to amend an act to incorporate the Platte River Bridge Company, approved February 18th, 1867.

On motion of Mr. Davis, the Senate proceeded to consider the Joint Resolution of the House relative to the appointment of a Committee of Investigation, to inquire into the claims of A. Saunders and D. J. McCann.

On motion of Mr. Presson, ordered, that the resolution lie upon the table.

H. No. 18, An act prescribing the duties of the Secretary of State.

The report of the Committee of Conference thereon, that the word "five" be stricken out and the word "one" inserted, in section 7, was adopted.

Mr. Presson submitted the following resolution, which was considered and unanimously adopted.

Resolved, That the thanks of the Senate are hereby tendered Hon. E. H. Rogers, President, for the very able and efficient manner in which he has presided over this body.

Mr. Doom submitted the following resolutions, which was considered and unanimously adopted.

Resolved, That the thanks of the Senate are hereby tendered L. L. Holbrook, Esq., Secretary, and Seth Robinson, Esq., Assistant Secretary of this Senate, for the faithful and satisfactory manner in which they have discharged the duties of their respective offices.

Resolved, That the thanks of the Senate are hereby tendered Rev. J. L. Fort, for the Christian-like manner in which he has discharged the duties of Chaplain of the Senate.

Mr. Majors submitted the following resolution, which was considered and unanimously adopted.

Resolved, That the thanks of the Senate are due, and the same are hereby tendered to S. D. Beals, Engrossing Clerk, Isham Revis, Enrolling Clerk, P. R. Heelan, Sergeant-at-Arms, E. K. Caldwell, Door-Keeper, and Masters Alvin Kennard and Albert Parmelee, Pages of the Senate, for the satisfactory manner in which they have discharged the duties of their respective offices.

Mr. Freeman asked and obtained leave by unanimous consent to introduce S. No. 76, Joint Resolution and Memorial for a Land Office at Lone Tree, Nebraska, which was read the first time.

On motion of Mr. Freeman, the rules were suspended, and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—11.

For the negative—none.

H. No. 80, Joint Resolution defining the Second Regular Session of the Legislature, was read the first time.

On motion the rules were suspended and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Doom, Holden, Sheldon and Mr. President—5.

For the negative—Messrs. Baird, Freeman, Hascall, Presson and Reeves—5.

H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out, was read the second time, and referred to Committee of the whole.

H. No. 71, An act to define the nature and provide for the distribution of the school funds, was read the second time and referred to Committee of the whole.

H. No. 60, An act to appropriate money in aid of a Geological Survey of the State of Nebraska, was read the second time and referred to the Committee on Expenditures.

Mr. Reeves from the Joint Committee, reported as having presented to the Governor, for his signature, at 10 o'clock A. M., the following bills:

S. No. 60, An act to provide for the disposition of unclaimed lots entered in trust by corporate authorities.

S. No. 71, An act to amend an act to incorporate the Platte River Bridge Company, approved February 18th, 1867.

H. No. 72, Joint Resolution and Memorial relative to a mail route from Dakotah City to Niobrarah, was read the second time.

On motion of Mr. Baird, the rules were suspended and the bill read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—11.

For the negative—none.

Mr. Hascall from the Committee of Conference on the disagreement to the amendment of the House to S. No. 66, An act prescribing and defining the powers of the Governor of the State, reported that the Senate concur in said amendment, which was, that the compensation of the Private Secretary of the Governor, be one thousand dollars per annum.

On motion of Mr. Presson, the Senate concurred in said amendment as follows :

For the affirmative—Messrs. Davis, Doom, Freeman, Hascall, Holden, Majors and Presson—7.

For the negative—Messrs. Baird, Reeves, Sheldon and Mr. President—4.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Omaha, June 24, 1867. }

Mr. President :

The Governor directs me to notify your honorable body that he has this day approved and signed an act entitled An act to provide for the disposition of unclaimed lots entered in trust by corporate authorities.

An act to amend an act to incorporate the Platte River Bridge Company.

An act to provide for the registration of the voters of the State.

An act to amend section eight, chapter five, of the Revised Statutes of Nebraska, entitled Bonds.

An act to amend the code of civil procedure relating to Homesteads.

An act for the organization of Counties.

An act to amend section 36 of chapter 17 of the Revised Statutes of Nebraska, entitled Elections.

C. H. GERE, *Private Secretary.*

Mr. Presson moved the Senate reconsider the vote by which H. No. 69 was passed, An act making appropriations for the current expenses for 1867 and 1868, and for other purposes.

For the affirmative—Messrs. Baird, Davis, Freeman, Hascall, Holden, Majors and Presson—7.

For the negative—Messrs. Reeves and Sheldon—2.

On motion of Mr. Hascall,

Resolved, That the bill be re-committed to a Special Committee, with instructions to amend relative to pay of Private Secretary of the Governor and report instant.

The bill was re-committed to Mr. Hascall, who made the following report :

Mr. President :

Your Special Committee beg leave to report back H. No. 69 and recommend that the Senate amendment to the 16th line be stricken out so that said bill will read: "For the payment of Private Secretary of Governor, 1867 and 1868, \$2000.00."

ISAAC S. HASCALL.

On motion of Mr. Hascall, the amendment of the Senate, viz: "That the payment of Private Secretary of the Governor for the years 1867 and 1868, be \$1000,00," was stricken out.

On motion of Mr. Presson, the report of the Special Committee was adopted.

Ordered that the bill be passed to third reading.

On motion of Mr. Sheldon, the rules were suspended and the bill read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Holden, Majors, Presson and Sheldon—7.

For the negative—Messrs. Freeman, Hascall, Reeves and Mr. President—4.

On motion of Mr. Freeman, the Senate proceeded to consider bills in Committee of the whole, Mr. Doom as Chairman.

On motion of Mr. Davis, the Committee rose and reported.

The reports were severally considered.

H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out.

Ordered that the bill be re-committed to a Special Committee, consisting of the Richardson, Nemaha, Dakotah and Douglas delegations, with instructions to report to-day for further consideration.

H. No. 71, An act to define the nature and provide for the distribution of the school funds.

Ordered that the bill lie upon the table.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House of Representatives has considered the amendments made by the Senate to H. No. 62, An act to provide for the registry of school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale or lease of said lands, and has concurred in a portion of said Senate amendments and refuse to concur in the remainder, and has appointed Messrs. Harvey, Woolworth and Daily as managers on the part of the House, as a Committee of Conference on said bill, and request the Senate to appoint a like Committee.

On motion of Mr. Davis, Messrs. Doom and Hascall were appointed a Committee of Conference upon the disagreement to said bill.

On motion of Mr. Davis, the Senate took a recess until two o'clock P. M.

AFTERNOON SESSION.

Met at two o'clock P. M.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the Senate of the following title, viz:

S. No. 76, Joint Resolution and Memorial for a Land Office at Lone Tree, with amendments.

In which I am directed to ask the concurrence of the Senate.

The House has agreed to the 6th and 9th amendments of the Senate to H. No. 69, A bill making appropriations for the years 1867 and 1868, and has disagreed to the remaining amendments of the Senate thereto.

Ask a Conference on the disagreeing votes of the two Houses, and has appointed Messrs. Ticknor, Butler and Wiles, the managers on the part of the House thereat.

On motion of Mr. Freeman, the Senate concurred in the amendment of the House to S. No. 76, as follows:

For the affirmative—Messrs. Davis, Freeman, Hascall, Presson, Reeves, Sheldon and Mr. President—7.

For the negative—none.

H. No. 69, Making appropriations for the years 1867 and 1868.

The question to recede from the amendment in the 15th line, after the word "Governor" insert "and Secretary," and after "January 1st, 1867," insert "each \$250,00," was decided in the negative.

The question to recede from the amendment to the 17th line, strike out "For the payment of Adjutant-General for 1867 and 1868, \$6,000," was decided in the negative.

The question to recede from the amendment in the 42d line, strike out "One table for use of Chief Clerk of House of Representatives, bought of P. W. Hitchcock, \$30,00," was decided in the affirmative.

The question to recede from the amendment, "Strike out all in relation to John Connolly's claim," was decided in the negative, as follows:

For the affirmative—Messrs. Davis, Holden and Sheldon—3.

For the negative—Messrs. Baird, Freeman, Hascall, Presson and Reeves—5.

The question to recede from the 68th line, strike out "Janitor," in 69th line, strike out "\$1080,00" and insert "\$900,00," was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Freeman, Holden, Presson and Mr. President—5.

For the negative—Messrs. Baird, Hascall, Reeves, and Sheldon—4.

The question to recede from the amendment, "For pay of S. D. Beals for services in taking care of Capitol from March 18th, 1867 to June 1867, \$125,00," was decided in the negative, as follows:

For the affirmative—Mr. Holden—1.

For the negative—Messrs. Baird, Davis, Freeman, Hascall, Presson, Reeves and Sheldon—7.

On motion, Messrs. Hascall and Holden were appointed a Committee of Conference upon the disagreement to said bill.

Mr. Doom from the Conference Committee, made the following report:

Mr. President :

Your Committee of Conference upon H. No. 62, have had the same under consideration, and recommend :

1st. That the amendment proposed by the Senate to section 8, be amended by inserting, after the word "value," the words following: "Of the prairie lands in tracts not exceeding forty acres each, and of the timber lands in tracts not exceeding ten acres each, and the value."

2d. That the substitute proposed by the Senate for section 16, be amended so that the proviso shall read, "*Provided*, That no land shall be sold for less than its appraised value, nor for less than seven dollars per acre, in addition to the appraised value of the improvements on the land," and strike out "ten" wherever it occurs in relation to the minimum value of the lands, and insert "seven."

3d. That the Senate recede from its proviso to section 17, concerning the power of the County Clerk to reject bids.

4th. That section 23, as proposed by the Senate, be amended by striking out "eight" in the 21st line and inserting "six," and by striking out "minimum" in the 22d line and inserting "appraised."

5th. And that the House concur in all the amendments proposed to the bill by the Senate, except as amended in the above particulars.

J. E. DOOM,
Ch'n Senate Committee.

A. F. HARVEY,
Ch'n House Committee.

The report was adopted as follows :

For the affirmative—Messrs. Davis, Doom, Hascall, Holdon, Preeson, Reeves and Mr. President—7.

For the negative—Mr. Freeman—1.

A message from the House by Mr. Bowen, its Clerk.

Mr. President :

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate, disagreed to by the House, on H. No. 62, providing for the registry of school lands, with the amendments as recommended by the Committee.

The House has passed a bill of the following title, viz :

H. No. 81, Joint Resolution and Memorial to Congress asking for five per cent. on the sales of public lands.

In which I am directed to ask the concurrence of the Senate.

H. No. 81, Joint Resolution and Memorial to Congress asking for five per cent. on the sales of public lands, was taken up and read the first time.

The rules were suspended and the bill read the second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows :

For the affirmative—Messrs. Davis, Doom, Freeman, Majors, Presson, Reeves and Mr. President—7.

For the negative—none.

S. No. 74, An act to provide for selling ten acres of section 16, town 1, range 16, in Richardson County, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves, Sheldon and Mr. President—12.

For the negative—none.

Mr. President:

Your Committee, to whom was referred H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out, would beg leave to report the same back, with a substitute, and recommend the adoption of the substitute.

W. A. PRESSON,
T. J. MAJORS,

On motion of Mr. Doom, the Senate proceeded to consider, in Committee of the whole, the bill so reported, Mr. Freeman as Chairman.

On motion of Mr. Davis the Committee rose and reported.

On motion of Mr. Davis, ordered that the substitute as amended, be engrossed for third reading.

Mr. Reeves from the Committee, reported as truly enrolled, the following bills, when the President signed the same.

H. No. 28, An act for the revision of the school laws.

H. No. 51, An act for the sale of lands of minors and other persons under guardianship and securing the proceeds for their use.

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State.

S. No. 76, Joint Resolution and Memorial for a Land Office at Lone Tree.

On motion of Mr. Davis, the Senate took a recess for fifteen minutes.

AFTER RECESS.

Called to order.

Mr. Reeves, from the Joint Committee, reported, as having presented to the Governor for his signature, the following bills:

S. No. 66, An act prescribing and defining the powers and duties of the Governor of the State, at 3 o'clock P. M. to-day,

S. No. 76, Joint Resolution and Memorial for a Land Office at Lone Tree, at 10 minutes after four o'clock P. M. to-day.

Mr. Hascall from the Committee of Conference, submitted the following:

Mr. President:

The Committee of Conference on the disagreeing votes of the two Houses on the Senate amendments to H. No. 69, entitled, An act making appropriations for the current expenses for the years 1867 and 1868, and for other

purposes, beg leave to report, that they have agreed that the Senate shall recede from the 1st amendment, and that the House shall concur in the 2d, 4th, 6th, 8th and 9th amendments.

The Committee recommend that said bill be amended by inserting the following:

For payment of salary of Land Commissioner for 1897 and 1868, \$1500,00.

For payment of Land Office fees for lands to be entered for the State, 8000,00.

ISAAC S. HASCALL, } Committee.
GEO. P. TUCKER }

The question to recede from the amendment in the 15th line, after the word "Governor," insert "and Secretary," and after the words, "January 1st, 1867," insert "each \$250,00," was decided in the negative, as follows:

For the affirmative—Messrs. Hascall and Holden—2.

For the negative—Messrs. Baird, Davis, Doom, Freeman, Majors, Patrick, Presson, Reeves and Sheldon—9.

The question to adopt the amendments recommended by the Committee was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Hascall, Holden, Majors, Patrick, Presson, Reeves and Sheldon—11.

For the negative—none.

Messrs. Davis and Freeman were appointed a Committee of Conference on said bill.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
Omaha, June 24, 1867. }

Mr. President:

The Governor directs me to notify your honorable body, that he has this day approved and signed an act, entitled An act prescribing and defining the powers and duties of the Governor of the State.

Joint Resolution and Memorial for a Land Office at Lone Tree.

C. H. GERE, *Private Secretary.*

Mr. Reeves from the Committee reported as correctly engrossed, Sen. Sub. H. No. 63, An act to provide for the organization of the militia of the State of Nebraska and to provide for calling them out.

Mr. Davis moved a suspension of the rules, and the bill be read the third time.

Disagreed to.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the Concurrent Resolution of the Senate relative to final adjournment, with the following amendment, viz: Strike out "Saturday the 22d at 12 o'clock M." and insert "Monday the 24th, at six o'clock P. M."

In which I am directed to ask the concurrence of the Senate.

The House has passed a bill of the Senate of the following title, viz:

S. No. 74, An act to provide for selling ten acres of section No. 16 of town No. 1, range No. 16, in Richardson County, without amendment.

The House has agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses in the amendments of the Senate to H. No. 69, Making appropriations for the years 1867 and 1868, with the amendments recommended in said report.

Mr. Freeman moved the Senate concur in the amendment of the House to the resolution upon adjournment.

Mr. Hascall moved to postpone its consideration for thirty minutes.

Agreed to.

On motion of Mr. Freeman, the rules were suspended and H. No. 79, An act to authorize and empower the Town Council of Columbus to convey real estate for special purposes, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Freeman, Holden, Patrick and Sheldon—7.

For the negative—Messrs. Hascall and Presson—2.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has receded from its non-concurrence in the 1st amendment of the Senate to H. No. 69, making appropriations for the years 1867 and 1868, and has concurred therein.

Mr. Reeves from the Committee, reported as truly enrolled, S. No. 74, An act to provide for selling ten acres of land in Richardson County.

On motion of Mr. Patrick, the rules were suspended and Sen. Sub. H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out, was read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Davis, Holden, Majors, Patrick, Presson, and Reeves—7.

For the negative—Messrs. Doom, Freeman, Hascall and Sheldon—4.

Mr. Reeves from the Joint Committee reported as having presented to the Governor, for his signature, at 25 minutes after 5 o'clock P. M., S. No. 74, An act to provide for selling ten acres of section 16, town 1, range 16, in Richardson County.

On motion of Mr. Hascall, the Journal of to-day was read and approved.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has passed a bill of the following title, viz:

H. No. 82, Joint Resolution giving to section No. 4 of an act entitled An

act to provide for the selection and entry of the public lands in the State of Nebraska, a construction.

In which I am directed to ask the concurrence of the Senate.

H. No. 54, An act to amend section 2, chapter 12 of the Revised Statutes of Nebraska, entitled County Seats, was read the third time.

Mr. Holden moved the bill be re-committed to a Special Committee for amendment, which was agreed to as follows:

For the affirmative—Messrs. Freeman, Hascall, Holden, Presson, Reeves, Sheldon and Mr. President—7.

For the negative—Messrs. Davis, Doom, Majors and Patrick—4.

Mr. Reeves presented the following bills to the President, when he signed the same.

H. No. 62, An act to provide for the registration of the school lands, for the control and disposition thereof, and for the safe-keeping of the funds derived from the sale or lease of said lands.

H. No. 81, Joint Resolution and Memorial to Congress asking for five per cent. on the sales of the public lands.

H. No. 79, An act to authorize and empower the Town Council of Columbus to convey real estate for special purposes.

H. No. 59, An act further to abolish the distinctions between actions at law and suits in chancery, by abolishing certain common law writs, and regulating the proceedings by the Code, was read the third time.

On motion of Mr. Rogers, Mr. Reeves in the Chair, the bill was re-committed to a Special Committee consisting of Mr. Rogers, for amendment.

On motion of Mr. Doom, the Senate took a recess until 30 minutes after 7 o'clock, evening.

EVENING SESSION.

Met at 7 o'clock 30 minutes.

Mr. Rogers from the Special Committee to whom was referred H. No. 59, An act to abolish the distinctions between actions at law and suits in chancery, reported the same and recommended an amendment, as follows:

Add to section 3, *Provided*, That the actions mentioned in this act, where the Governor, Secretary of State, Auditor and Treasurer, or one of the Judges of the Supreme Court, are defendants, shall be brought in the Supreme Court, which Court shall, in such cases, have exclusive original jurisdiction.

The question to adopt the report was decided in the negative.

Mr. Sheldon moved the Senate proceed to consider said bill in Committee of the whole.

Disagreed to.

Mr. Rogers moved section 5 be stricken out.

Motion lost.

The question to order the bill to third reading was decided in the negative.

Mr. Majors moved a call of the House.

Agreed to.

Absent Mr. Patrick.

Mr. Freeman moved the Sergeant-at-Arms be dispatched after Mr. Patrick.

Motion lost.

Mr. Doom moved all further proceedings under the call be dispensed with.

Motion lost.

The President took the Chair.

Mr. Reeves moved the bill be re-committed to a Special Committee, with instructions to amend as before amended.

Agreed to.

Mr. Reeves was appointed said Committee.

Mr. Reeves reported as instructed:

The question on the report was decided in the affirmative as follows:

For the affirmative—Messrs. Baird, Doom, Freeman, Hascall, Patrick, Presson, Reeves, Sheldon and Mr. President—9.

For the negative—Messrs. Davis and Majors—2.

On motion of Mr. Presson, ordered that the bill be indefinitely postponed, the vote being as follows:

For the affirmative—Messrs. Baird, Davis, Doom, Hascall, Presson, Sheldon and Mr. President—7.

For the negative—Messrs. Freeman, Holden, Majors, Patrick and Reeves—5.

On motion of Mr. Presson H. No. 54, An act to amend section 2, chapter 12 of the Revised Statutes of Nebraska, entitled County Seats, and the report thereon, was taken up.

The report was as follows: "to exempt Johnson County therefrom."

On motion of Mr. Presson, the report was adopted.

Mr. Presson moved the bill be ordered to third reading.

Mr. Hascall moved to amend by adding Dodge County to the proviso.

Mr. Baird moved as an amendment to the motion, by adding Dakota, Cedar, Dixon and L'eau qui Court Counties.

Amendment adopted.

Original motion as amended adopted.

Motion of Mr. Presson to pass the bill to third reading agreed to.

The bill was then read the third time.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Baird, Doom, Hascall, Holden, Patrick and Presson—6.

For the negative—Messrs. Freeman, Reeves, Sheldon and Mr. President—4.

Mr. Freeman asked leave of absence.

Not granted.

MONDAY, JUNE 24, 1867.

A message from the House by Mr. Bowen, its Clerk.

Mr. President:

The House has indefinitely postponed the further consideration of H. No. 63, An act to provide for the organization of the militia of the State of Nebraska, and to provide for calling them out, with the amendment of the Senate thereto.

Mr. Davis moved the rules be suspended, and H. No. 82 be read the third time, Joint Resolution giving to section 4 of an act entitled An act to provide for the selection and entry of public lands in the State of Nebraska, a construction.

Disagreed to.

Mr. Reeves from the Joint Committee presented H. No. 69, An act making appropriations for the current expenses for the years 1867 and 1868. and for other purposes, when the President signed the same.

On motion of Mr. Presson, the rules were suspended for the consideration of H. No. 82, relative to the entry of public lands.

On motion of Mr. Hascall, the bill was amended.

The bill was then read the first, second and third times.

The President put the question, "Shall the bill pass?" which was decided in the affirmative, as follows:

For the affirmative—Messrs. Davis, Doom, Freeman, Holden, Majors, Presson, Reeves, Sheldon and Mr. President—9.

For the negative—Mr. Patrick—1.

On motion of Mr. Patrick, Messrs. Patrick and Presson were appointed a Committee to wait upon the Governor and inform him the Senate were ready to hear any communication he might desire to make.

A message from the House, by Mr. Bowen, its Clerk.

Mr. President:

The House has agreed to the amendment of the Senate to H. No. 82, Joint Resolution giving to section 4 of an act relating to the selection and entry of public lands, a construction.

The Committee appointed to wait upon the Governor, appeared and reported that the Governor would have communications to make during the next half hour.

On motion of Mr. Davis, Messrs. Davis and Freeman were appointed a Committee to inform the House that the Senate was ready to adjourn *sine die*.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Omaha, June 24, 1867. }

Mr. President:

The Governor directs me to notify your honorable body that he has this day approved and signed an act entitled An act to provide for selling ten acres of section No. 16, township No. 1, range No. 16, in Richardson County.

H. GERE, *Private Secretary.*

Mr. Davis offered the following resolution, which was considered and unanimously adopted:

Resolved, That the thanks of this Senate are hereby tendered to S. D. Beals, Engrossing Clerk, and L. C. Leads, Enrolling Clerk, for the able manner in which they have discharged their duties during their present Session.

Mr. Freeman offered the following resolution, which was considered and unanimously adopted:

Resolved, by the Senate, That a vote of thanks is hereby extended to Hon. Mills S. Reeves, for the grave and just manner in which he lately presided over this body as President, *pro tem.*, in the absence of our esteemed President.

A Committee appeared from the House and informed the Senate that the House had transacted its business and was ready to adjourn *sine die*.

Mr. Reeves offered the following, which was considered and unanimously adopted:

Resolved, That the thanks of the Senate are hereby tendered to Hon. E. H. Rogers, President of the Senate, for the able, dignified and honorable manner in which he has discharged the duties of his office.

The President, after a few appropriate remarks, declared the Senate adjourned *sine die*.

L. L. HOLBROOK, *Secretary*.

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